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PETITION FOR SPECIAL HEARING 85-27-5PH TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, kereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve ______ to permit a 6month temporary one-time use of a portable rock crusher on the existing fill area.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s): . H. WEIDEMEYER (Type or Print Name) (Type or Print Name) LECTION City and State Signature Attorney for Petitioner (Type or Print Name) Address City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted Potts & Callahan, Inc. City and State Name 500 West 29th Street Balto., MD. 21211 235-9400 Attn: Gus A. Lambrow

Zoning Commissioner of Baltimore County

Z.C.O.—No. 1

(over)



HARRY J. PISTEL, P. E. DIRECTOR

June 15, 1984

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Item 313 (1983-1984)
Property Owner: J. H. Weidemeyer
S/S Windsor Mill Rd. 50° W. from
centerline Mayfield Avenue
Acres: 65.2 District: 2nd

Dear Mr. Jablo

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

BUREAU OF ENGINEERING - BALTIMORE COUNTY, MD.

Baltimore County highway and utility improvements are not directly involved in regard to the proposed temporary use of the property.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Bens Run traverses westerly portions of the overall property. Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain required for a 100-year design storm. However, a minimum width of 50 feet is required.

Windsor Mill Road, an existing public road, is proposed to be further improved in the future in this vicinity as a 40-foot closed section roadway on a 60-foot right-of-way.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards and Specifications.

BALTIMORE COUNTY

The state of the s

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

(301) 655-5786

Charles B. Farley
Attorney At Law

3114 N. Rolling Road Baltimore, Maryland 21207

Item 313 (1983-1984)
Property Owner: J. H. Weidemeyer
Page 2
June 15, 1984

General: (Cont'd)

.____

Windsor Boulevard, a future major thoroughfare on a 70-foot right-of-way in the Baltimore County Master Plan, is proposed to traverse the southerly portion of this overall property, approximately 1,400 feet south of Windsor Mill Road. Further information may be obtained from the Baltimore County Bureau of Engineering, Highway Design Division.

Public water supply and sanitary sewerage are not available to serve this property, which is within the Baltimore County Metropolitan District and the Comprehensive Metropolitan Facilities Planning Area. Baltimore County Water Supply and Sewerage Plans W and S-16A, as amended through January 1982, indicate "Areas of Future Consideration Beyond 1990" in this vicinity.

GILBERT S. BENSON, P.E., Asst, Chief
Bureau of Public Services

GSB:EAM:FWR:ss

L-NE & NW Key Sheet 15 - 18 NW 30 & 31 Pos. Sheets NW 4 & 5 H Topo 87 Tax Map BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO Zoning Commissioner

Date___July 18, 1984

Norman E. Gerber, Director FROM Office of Planning and Zoning

J. H. Weidmeyer SUBJECT__No. 85-27-5pH_____

In view of the subject matter of this petition, this office offers

Norman E. Gerber, Director

NEG/JGH/sf

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 23, 1984
Mr. Gus A. Lambrow

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Potts & Callahan, Inc.
500 West 29th Street
Baltimore, Maryland 21211

Nicholas B. Commodari Chairman

MEMBERS

RE: Item No. 313 - Case No. 85-27-SPH Petitioner - J. H. Weidemeyer Special Hearing Petition

Bureau of Engineering Dear Mr. Lambrow:

Department of
Traffic Engineering

State Roads Commission

Bureau of
Fire Prevention

Health Department

Project Planning

Suilding Department

Board of Education

Zoning Administration

Industrial

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Dichalai f. Commodare
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc Enclosures

cc: Paul Lee Engineering, Inc. 304 West Pennsylvania Avenue Towson, Maryland 21204

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204 3/3/34

Re: Zoning Advisory Meeting of 5/AA/84

Item # 3/3

Property Owner: J.H. WEIDEMEYER
Location: S/DW, ADDR. HILL R.S. 50' W. O.F.

HAPPIELO AVE.

Dear Mr. Jablon:

cc: James Hoswell

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The Items checked below are applicable.

There are no site planning factors requiring comment.
)A County Review Group Meeting is required.)A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.)This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.)A record plat will be required and must be recorded prior to issuance of a building permit.)The access is not satisfactory.)The circulation on this site is not satisfactory.)The parking arrangement is not satisfactory.)Parking calculations must be shown on the plan. This property contains soils which are defined as wetlands, and development on these soils is prohibited.)Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Requiations. Development of this site may constitute a potential conflict with the Baltimore County Master Plan.)The amended Development Plan was approved by the Planning Board)Landscaping should be provided on this site and shown on the plan. The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service

)The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
)Additional comments:

Eugene G Bolis

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS DIRECTOR

June 18, 1984

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

Property Owner: J. H. Weidemeyer
Location: S/S Windser Mill Road 50' W. from

Location: S/S Windsor Mill Road 50' W. from c/l Mayfield Avenue Existing Zoning: D.R. 5.5, D.R. 3.5 and R.C. 3
Proposed Zoning: Special Hearing to approve a 6 month temporary one-time use of a portable roack crusher on the existing fill area.

Acres: 65.2 District: 2nd

Dear Mr. Jablon:

The entrance to this site should be moved to a point 200' west of the existing entrance and the vegetation at the edge of the road should be removed to improve the sight distance.

The petitioner's engineer has stated that the trucks using this site will weigh up to 65,000 lbs. and will use Windsor Mill Road to Old Court Road to the MTA site. The route has several piper, culverts and bridges and should be checked by the Department of Public Works to certify the weight limits of these structures. Attached is a sketch showing the approximate location of the structures this Department has located, but it may not be complete.

Michael S. Flanigan
Traffic Engineering Assoc. II

Att.

1/3

Chief, Current Fland



Zaltimore County, Maryland PEOPLE'S COUNSEL OLD COURT HOUSE TOWSON, MARYLAND 21204

PHYLLIS COLE FRIEDMAN People's Commit PETER MAX ZIMMERMAN Depay Propie's Count

August 10, 1984

TEL 484-2180

S. Eric DiNenna, Esquire 406 W. Pennsylvania Ave. Towson, MD 21204

Irwin H. Desser, Esquire Charles Farley, Esquire 3126 Rices Lane - Route 5 Baltimore, MD 21207

> RE: J. H. Weidemeyer, Petitioner Zoning Case No. 85-27-SPH

Gentlemen:

On August 7, 1984, the Zoning Commissioner approved the above petition for a special hearing to approve a six month temporary one-time use of a portable rock crusher on existing fill area. Since it appears that the operation may begin despite any pending appeal, this case would be appropriate for an expedited hearing.

I understand that the Protestants will be refiling their appeal promptly to name the individual Appellants. Following discussion with the County Board of Appeals, August 28th and October 23rd were given as available dates. It is my understanding that Mr. DiNenna has a scheduling conflict for August 28th. Therefore, I suggest that the matter be set in on October 23rd.

If there are any reasonable objections to this date, I suggest that the addressees communicate with the County Board of Appeals. Otherwise, it would be appropriate that a hearing be held then.

> Very truly yours, Peter Max Zimmerman Deputy People's Counsel

cc: William T. Hackett, Chairman County Board of Appeals

PMZ:sh

IRWIN H. DESSER ATTORNEY ATTAW 3126 RICES LANE - POUTE 5 **BALTIMORE, MARYLAND 21207**

August 15, 1984

S. Eric Dillenna, Esquire 406 W. Pennsylvania Avenue Towson, Maryland 21204

Re: J. H. Weidemeyer Case No. 85-27-SPH

Dear Mr. DiNenna:

Receipt is acknowledged of a copy of your letter of 8-14-84 to Pete Zimmerman. You have made some incorrect assumptions.

Pete Zimmerman is not attempting to be a "mediator" in the captioned matter in connection with the Protestants' appeal to the Board of Zoning Appeals. Pete and I and Chuck Farley are all counsel of record in the case, and we all three went to see Mr. Hacket's several days ago to see about securing an early hearing date. Mr. Hackett was not in, but we became awars of the open date of 8-28-84.

Since Mr. Zimmerman's office is across the hall from Mr. Hackett's office, Mr. Farley and I arranged with him that he would see Mr. Hackett the next morning and that I would also telephone Mr. Hackett's office (which I did). Mr. Hackett was kind enough to agree to hear the case on that date (8-28). As you well know, we must get an early hearing, if we are to get a hearing at all, since the Commissioner refused our request for a stay of his order until the appeal could be heard.

Mr. Zimmerman wrote you on 8-10-84 so as to notify you of the 8-28 open date, and to ask you to be prepared to try the appeal unless you have another case formally scheduled that date.

I am sending Chairman Hackett a copy of this letter and I am asking you to let him and all counsel know if you are prepared to try the case on 8-28; I assume from your letter of 8-14 that, as of that

(Continued...)

S. Eric DiNenna, Esquire August 15, 1984

date, you were not already formally booked on 8-28.

Sincerely,

AREA CODE 301

Irwin H. Desser

IID:rhf cc: Peter Max Zimmerman, Esquire Phyllis Cole Friedman, Esquire William T. Hackett, Chairman Charles B. Farley, Esquire

P.S. In the event we do not get an early hearing, or lose at the hearing, please be reminded that Mr. Jablon's Order requires you to notify me of the date that the stone-crusher and crane and wrecking-ball are placed on the site; also, I am hearby requesting copies of the bi-weekly test results to be performed by your client, as permitted by the Order.

S. Eric Di Nenna, P.A. Allorney at Law

406 W. Pennsylvania Avenue Towson, Maryland 21204

XXXXXXXXXXXXX 301-296-6820

August 14, 1984

Hr. Peter Max Timmerman Deputy People's Counsel Old Court House Towson, Maryland 21204

> RE: J. H. Weidemeyer Case No. 85-27-SPH

Dear Hr. Zimmerman:

I am in receipt of your letter of August 10, 1984 wherein you are attempting to be the mediator of the above-captioned matter with reference to the Protestants' Appeal to the Board of Appeals.

Though you were a counsel of record before the Zoning Commissioner, he rendered his decision.

I feel that if Messrs. Desser and Farley wish to pursue a quick hearing, it would be incumbent upon them to show the reasons to the Board of Appeals why such a quick hearing would

If you have any questions concerning same, do not hesitate to call upon me.

County Board of Appeals of Baltimore County

Towson, Marpland 21204

(301) 494-3180

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT

REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN

STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-

MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL \$59-79

CASE NO. 85-27-SPH

ASSIGNED FOR:

cc: S. Eric DiNenna, Esquire

Irwin H. Desser, Esquire

Charles B. Furley, Esquire

J. H. Weidemeyer

Phyllis C. Friedman

Harry Espey

Arnold Jablon

Jean M. H. Jung James E. Dyer

Norman E. Gerber

James G. Hoswell

Sept. 11, 1984

J. H. WEIDEMEYER

existing fill area

2nd DISTRICT

S/S WINDSOR MILL ROAD 50'

W. of c/l of MAYFIELD AVENUE

8/7/84 - Z.C. GRANTED PETITION

Petitioner

Protestant

People's Counsel

SPH- to permit a 6 month temporary one-

time use of a portable rock crusher on the

TUESDAY, OCTOBER 23, 1984 at 10 a.m.

Counsel for Petitioner

Counsel for Protestants-Appellants

Room 200 Court House (Hearing Room #218)

Very truly yours,

S. ERIC DINERNA

cc: Irwin H. Desser, Esquire Charles Farley, Esquire Milliam T. Hackett, Chairman Gus Lambrow, Esquire

S. Cric Di Nenna, P.A. Allorney at Baw

406 W. Pennsylvania Avenue Jowson, Maryland 21204

August 17, 1984

Irwin H. Desser Attorney at Law 3126 Rices Lane - Route 5 Baltimore, Maryland 21204

RE: Petition for Special Hearing Weidemeyer, Petitioner Case No. 85-27-SPH

Dear Mr. Desser:

I have been instructed by my client, Potts & Callahan, to contact you relative to a possible meeting between all parties to discuss my client's plans for the Weidemeyer property relative to the stone crusher.

I personally feel it would be to the advantage of all parties if we could sit down and discuss this matter unemotionally and not in the heat of battle at a hearing.

Accordingly, would you be so kind as to contact me to discuss the possibility of a meeting between you, Mr. Farley, several representatives of your group, my clients, myself, as well as inviting People's Counsel to discuss the issues.

Thank you for your cooperation and I hope to hear from you very shortly.

> Very truly yours, S. ERIC DINENNA

cc: Ms. Phyllis C. Friedman, Esquire Peter Max Zimmerman, Esquire Charles Farley, Esquire Gus Lambrow, Esquire

301-296-6820

9/11/84 - Notified of appeal hearing set for TUESDAY, OCTOBER 23, 1984 at 10 a.m.

S. Eric DiNenna, Esq. J. H. Weidemeyer Irwin H. Desser, Esq. Charles B. Farley, Esq. Harry Espey Phyllis C. Friedman

CERTIFICATE OF POSTING

IRWIN H. DESSER ATTORNEY AT LAW 3126 RICES LANE - ROUTE 5 **BALTIMORE, MARYLAND 21207**

August 30, 1984

AREA CODE 301

William T. Hackett, Chairman Board of Zoning Appeals Old Courthouse - 2d Floor Baltimore (Towson), Maryland 21204 Re: Petition for Special Hearing

J. H. Weidermeyer, Petitioner Case No. 85-27-SPH

Dear Mr. Hackett:

As counsel for most of the Protestants in the captioned case, I am still very interested in securing an early hearing before the Board.

This case involves a permit to operate a stone-crusher and crane and wrecking-ball operation in a residential neighborhood for a period of six (6) months. The Zoning Commissioner has ruled that the 6-month period begins when the stone-crusher is moved onto the property. Presumably, this will be done in the very near future and, if we do not secure an early appeal hearing, we shall have no chance for justice at all.

Eric DiNenna, counsel for petitioner, failed to either agree to the 8/28 date or show that he had another case scheduled. He told me that he has never heard of an appeal hearing being held prior to the expiration of the 30-day appeal period. To me, this is no excuse for declining to try a case.

We should be most grateful if you would schedule a hearing as soon as possible and hold counsel and parties to the scheduled date unless good cause for a change in same be shown.

Thank you for your kind cooperation.

Sincerely,

cc: Charles B. Farley, Esquire Phyllis Cole Friedman, Esquire Peter Max Zimmerman, Esquire S. Eric DiNenna, Esquire

Edith T. Eisenhart, Adm. Secretary

JAN 31 1955

October 4, 1984

William Hackett, Chairman County Board of Appeals Courthouse Towson, Maryland 21204

> RE: Petition For Special Hearing; Appeal Case No: 85-27-SPH Weidemeyer, Petitioner

Dear Mr. Hackett:

In regard to the above noted matter, please strike my appearance from any document or other paper of record which might reflect that I am representing the Ben's Run area community group as their counsel, or co-counsel of record. My appearance should be noted as being entered on behalf of myself, or in proper person, as reflected in Commissioner Jablon's Findings of Fact and Conclusions of Law.

Thank you for your attention.

CHARLES B. FARLEY 3114 N. Rolling Road Baltimore, Maryland 21207 655-5786

CC: Irwin Desser, Esquire Peter Zimmerman, Esquire Arnold Jablon S. Eric DiNenna

County Board of Appeals of Baltimore County Room 200 Court House

Towson, Maryland 21204 (301) 494-3180

October 11, 1984

Irwin H. Desser, Esq. 3126 Rices Lane, Rt. 5 Baltimore, Maryland 21207

Dear Mr. Desser:

Re: Case No. 85-27-SPH J. H. Weidemeyer

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above

cc: S. Eric DiNenna, Esq

J. H. Weidemeyer Charles B. Farley, Esq. Harry Espey Phyllis C. Friedman Arnold Jablon Norman Gerber James Hoswell Jean Jung James Dyer

ROCK CRUSHER ON EXISTING FILL AREA ON PROPERTY LOCATED ON THE SOUTH SIDE OF WINDSOR MILL RD., 50' WEST OF THE CENTER LINE OF MAYFIELD AVENUE - 2nd DISTRICT

RE: A SIX MONTH TEMPORARY

ONE-TIME USE OF A PORTABLE

IN THE MATTER OF

FOR A SPECIAL HEARING

J. H. WEIDEMEYER

BALTIMORE COUNTY No. 85-27-SPH

BEFORE

COUNTY BOARD OF APPEALS

ORDER OF DISMISSAL

Petition of J. H. Weidemeyer for a Special Hearing for a six month temporary one-time use of a portable rock crusher on existing fill area, on property located on the south side of Windsor Mill Rd., 50' west of the center line of Mayfield Ave., in the 2nd Election District of Baltimore County, and

WHEREAS, the Board of Appeals is in receipt of an Order of Dismissal of Appeal filed October 10, 1984 (a copy of which is attached hereto and made a part hereof) from the attorney representing the Protestants-Appellants in the above entitled matter, and

WHEREAS, the said attorney for the said Protestants-Appellants requests that the appeal filed on behalf of said Protestants-Appellants be dismissed and withdrawn as of October 10, 1984.

IT IS HEREBY ORDERED this 11th day of October, 1984, that said appeal be and the same is DISMISSED.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

IN RE: PETITION SPECIAL HEARING * BEFORE THE S/S of Windsor Mill Road,

* COUNTY BOARD OF APPEALS

* OF BALTIMORE COUNTY J. H. Weidemeyer, Petitioner * Case No. 85-27-SPH

DISMISSAL OF APPEAL

Now come the Protestants, by Irwin H. Desser, their attorney, and, pursuant to an agreement reached between them and Potts and Callahan, Inc. and Gus A. Lambrow, Esquire, its Vice-President and General Counsel, and they hereby dismiss their appeal heretofore filed and scheduled to be heard on October 23, 1984.

> Irwin H. Desser Attorney for Protestants 3126 Rices Lane - Route 5 Baltimore, Maryland 21207 922-1852, 655-9660

cc: S. Eric DiNenna, Esquire Gus A. Lambrow, Esquire Charles B. Farley, Esquire Peter Max Zimmerman, Esquire

IRWIN H. DESSER ATTORNEY AT LAW 3126 RICES LANE - ROUTE 5 **BALTIMORE, MARYLAND 21207**

July 19, 1984

The Honorable Arnold Jablon Zoning Commissioner of Baltimore County County Office Building 111 W. Chesapeake Avenue Baltimore (Towson), Maryland 21204

Re: Petition for Special Hearing South Side of Windsor Mill Road, 50 ft. West of the centerline of Mayfield Avenue Petitioner - J. H. Weidemeyer Date of Hearing - July 30, 1984 (at 10:45 a.m.)

Dear Commissioner Jablon:

I represent, and am a member of, the Ben's Run Area Community Group whose members respectfully request a stay of the issuance of the requested permit, during the thirty (30) day appeal period, of the temporary use of a portable rock crusher on the existing fill area.

85-27-SPH

The group intends, also, to appear at the hearing on July 30, and at any subsequent appeal hearings, to present testimony and to vigorously protest and oppose the granting of such a permit at any

Our request for a stay during the thirty (30) day appeal period is based on the fact that Petitioner's land is in a residential area; that there is only one commercial enterprise within 8/10ths of a mile of the site, namely the Petitioner's hardware store and lumberyard which is poorly maintained by the Petitioner; that the air pollution and noise pollution from the rock-crusher would be unbearable for the nearby homeowners, even for a mere 30 day period; that the already heavy truck traffic in and out of the site will increase to the great danger and inconvenience of the residents of the area; that the increased heavy truck traffic will increase the damage to and the dirtying of the Windsor Mill Road near the site, and thus increase the expense to the residents of the area and all of the taxpayers of Baltimore County for the cleaning and repairing of the road by the County itself and/or by the contractors retained by the County Government to perform the said work; that the use of

(Continued...)

The Honorable Arnold Jablon Zoning Commissioner of Baltimore County July 19, 1984

a rock-crusher is in the nature of an industrial use of the site when the site is not zoned for industrial use; and that there is no redeeming value to the community or to the County of such an operation.

For these and other reasons, we urge you to stay the granting of the requested permit for the 30 day appeal period, and to deny the same permanently.

Thank you for your consideration.

Sincerely,

cc: Mr. & Mrs. Major Fry Mr. & Mrs. W. C. Masemore Mrs. Ruth Henritz

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON ZONING COMMISSIONER

August 8, 1984

0

Irwin H. Desser, Esquire 3126 Rices Lane Baltimore, Maryland 21207

> RE: Petition for Special Hearing S/S of Windsor Mill Rd., 50' W of the center line of Mayfield Ave. J.H. Weidemeyer - Petitioner No. 85-27-SPH

Dear Mr. Desser:

I am in receipt of your letter dated August 5, 1984. Although your letter and accompanying Order of Appeal were filed prior to the issuance of my decision, I will accept your appeal as timely filed. The cost of the appeal is \$80.00, and the check should be made payable to Baltimore County, Maryland. Additionally, the protestants must be identified by name and address.

Unfortunately, the tape made of the hearing did not come out. In any event, we do not make transcripts. If you wish, you may come into the office and listen to the tape. If you feel it is useful, you may purchase a copy. In addition, if you wish to have copies of any exhibits, the cost is \$.50 per

Your letter and Order of Appeal will be immediately forwarded to the County Board of Appeals.

Very truly yours,

ARNOLD JABLON Zoning Commissioner

AJ/mc

IRWIN H. DESSER ATTORNEY AT LAW 3126 RICES LANE - ROUTE 5 **BALTIMORE, MARYLAND 21207**

August 5, 1984

Office of the Zoning Commissioner Baltimore County County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Petition for Special Hearing J. H. Weidemeyer, Petitioner Case No. 85-27-SPH

Gentlemen:

Enclosed for filing is an Order for Appeal to the Board of Zoning Appeals. If there is an administrative cost for this appeal, please send me a bill and I shall see that it is promptly paid. Also, please send me a transcript, as promptly as possible, of the proceedings that were had on July 30, 1984.

Please notify the Board of Appeals that we respectfully request an especially prompt hearing before that body since our cause will otherwise be grievously compromised given the nature of the Petition and the Commissioner's determination not to stay his order pending the outcome of our appeal.

Finally, please send me photocopies of all of Protestants' exhibits along with your statement of charges for the same.

Thank you for your prompt cooperation.

Sincerely,

Irwin H. Desser

IHD:rhf Enclosure cc: S. Eric DiNenna, Esquire Phyllis Cole Friedman, Esquire Peter Max Zimmerman, Esquire

BUREAU OF ENGINEERING - BALTIMORE COUNTY, MD.

3126 RICES LANE - ROUTE 5 BALTIMORE, MARYLAND 21207 AREA CODE 301 Zoning Commissioner County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Re: Case No. 85-27-SPH J. H. Weidemeyer, Petitioner Dear Sir: On behalf of the Protestants in this case, I am hereby noting technically their appeal to the Board of Zoning Appeals from your determination of August 7, 1984. The costs have already been paid and, if your office has not already done sc, please send the file to the Board promptly. Thank you for your cooperation. Sincerely, Irwin H. Desser IHD:rhf cc: Phyllis Cole Friedman, Esquire Peter Max Zimmerman, Esquire BALTIMORE COUNTY, MARYLAND No. 133224 OFFICE FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT DATE 8/13/84 __ACCOUNT_R-01-615-000 RECEIVED Irwin H. Desser, Esquire FOR: Appeal of Case No. 85-27-SPH (J. H. Weidemeyer) 6 683******B00012 8148F #85-27-SPH 2nd District S/s Windsor Mill Rd., 50° W of c/l of Mayfield Avenue J. H. WEIDEMEYER 1 SIGN 85-27-5PH CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Date of Posting 7-14-84 Posted for: SPECIAL HEARING Petitioner: J. H. WEIDEMEYER Location of property: 5/5 OF WINDSOR MILL RD. 50'WOF THE C/L OF MAY FIELD AVE Location of Signs: S/S OF WINDSOR MILL RD. Approx. God ERST OF MAYFIELD AYE. Number of Signs:

BUREAU OF ENGINEERING - BALTIMORE COUNTY, MD

IRWIN H. DESSER

ATTORNEY AT LAW

Thank you for your cooperation. cc: People's Counsel July 2, 1574 J. H. Weidemeyer c/o Potts & Callahan, Inc. Attention: Gus A. Lambrow 500 West 29th Street Baltimore, Maryland 21211 NOTICE OF HEARING
Re: Petition for Special Hearing S/S of Windsor Mill Rd., 50' W of the c/l of Mayfield Avenue J. H. Weidemeyer - Petitioner Case No. 85-27-SPH TIME: 10:45 A.M. DATE: Monday, July 30, 1984 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT \$ 576*****12000\$b \$104A

S. Eric Di Nenna, P.A.

Attorney at Baw

Zoning Petition for Special Hearing Date of Hearing: July 30, 1984

Please enter my appearance on behalf of the Petitioners concerning the above-captioned matter.

It is my understanding that the hearing is set for Monday, July 30, 1984, at 10:30 a.m.

July 27, 1984

406 W. Pennsylvania Avenue

Jowson, Maryland 21204

Zoning Commissioner for

Baltimore County County Courts Building

Towson, Maryland 21204

Dear Mr. Commissioner:

RE: Weidemeyer

DALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353 301-295-6823 ARNOLD JABLON ZONING COMMISSIONER September 11, 1984 S. Eric DiNenna, Esquire 406 West Pennsylvania Avenue Towson, Maryland 21204 Re: Petition for Special Hearing S/S Windsor Mill Rd., 50' W of the c/l of Mayfield Avenue J. H. Weidemeyer - Petitioner Case No. 85-27-SPH Dear Mr. DiNenna: You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals. ARNOLD JABLON Zoning Commissioner AJ:aj cc: Charles B. Farley, Esquire 3114 N. Rolling Road Baltimore, Maryland 21207 Harry Espey 7615 Windsor Mill Road Baltimore, Maryland 21207 Phyllis C. Friedman, Esquire People's Counsel

CELTIFICATE OF PUBLICATION

D CENTIFY, that the annexed advertisment

Maryland before the 30th day of

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As a weekly state of the state

the third publication appearing on the

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Fikesville, Md., July 11 19 84

THE NORTHWEST STAR

RE: Petition For Special Hearing; Appeal Case No: 85-27-SPH Weidemeyer, Petitioner Dear Mr. Hackett: In regard to the above noted matter, please strike my appearance from any document or other paper of record which might reflect that I am representing the Ben's Run area community group as their counsel, or co-counsel of record.

My appearance should be noted as being entered on behalf of myself, or in proper person, as reflected in Commissioner Jablon's Findings of Fact and Conclusions Please be advised that an appeal has been filed by Irwin H. Desser, attorney for protestants, from the decision rendered by the Zoning Commissioner of Baltimore County, in the above referenced matter. of Law. Thank you for your attention. Sincerely, CHARLES B. FARLEY 3114 N. Rolling Road Baltimore, Maryland 21207 655-5786 CC: Irwin Desser, Esquire Peter Zimmerman, Esquire ✓ Arnold Jablon S. Eric DiNenna

85-27-SPH CERTIFICATE OF PUBLICATION ZONING: Petition for Special Hearing
LOCATION: South side of Windsor Mill Road, 50 ft. West of the centerline of Mayield Avenue
DATE & TIME: Monday, July 36, 1964 at 16:45 A.M.. TOWSON, MD., July 12 19.84 THIS IS TO CERTIFY, that the annexed advertisement was PUBLIC HEARING: Room 105, County Office Building, 111 W. Chesspeake Avenue, Townon, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Ast and Regulations of Baltimore County, will hold a public hearing: Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or mot the Zoning Commot Petition of Petitions, to determine whether or mot the Zoning Commot Petitions. published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on July 12 , 19 84 THE JEFFERSONIAN. 18 Venetoni #22.00

October 4, 1984

William Hackett, Chairman County Board of Appeals

Towson, Maryland 21204

Courthouse



ARNOLD JABLON ZONING COMMISSIONER

July 24, 1984

Mr. J. H. Weidemeyer c/o Gus A. Lambrow Potts & Callahan, Inc. 500 West 29th Street Baltimore, Maryland 21211

> Re: Petition for Special Hearing S/S of Windsor Mill Rd. 50' W of the c/l of Mayfield Avenue J. H. Weidemeyer - Petitioner Case No. 85-27-SPH

Dear Sire:

This is to advise you that ______is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

, BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT Commissioner DATE 8/1/84 ACCOUNT R-01-615-000

Potts & Callahan, Inc. (J. H. Weidemeyer)

@ 125******47DOIA #02#F

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER S/S of Windsor Mill Ed., 50' W of the Centerline of

OF BALTIMORE COUNTY Mayfield Ave., 2nd District

J. H. WEIDEMEYER, Petitioner Case No. 85-27-SPH

ENTRY OF APPEARANCE

:::::::

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Phyllis Cole Friedman
>
> Phyllis Cole Friedman People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel Rm. 223, Court House Towson, MD 21204 494-2188

I HEREBY CERTIFY that on this 16th day of July, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. J. H. Weidemeyer, Petitioner's Agent, c/o Potts & Callahan, Inc., 500 W. 29th Street,

Paul Lee, P.E.

Paul Lee Engineering Inc. 304 W. Ponnsylvania Acc. Towson, Margland 21204

DESCRIPTION

65.2 ACRE + PARCEL - J. H. WEIDEMEYER PROPERTY - SOUTH SIDE WINDSOR MILL ROAD (7700 BLOCK) - 2ND ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point, said point being located in Windsor Mill Road and 50 feet + West of the centerline of Mayfield Avenue, thence leaving Windsor Mill Road the 8 following courses and distances:

(1) South 78°45' West 445.5 feet +

(2) South 10° West 660 feet +

(3) South 69° East 314 feet +

(4) Southerly 1560 feet +

(5) South 45° East 503.25 feet +

(6) North 45° East 1629.38 feet +

(7) South 69° East 320 feet + and

(8) North 25° East 381.15 feet + to a point in Windsor Mill Road, thence binding along Windsor Mill Road the 3 following courses and distances:

(9) North 65° West 316.8 feet +

(10) North 56° 15' West 815.1 feet +

(11) North 55° West 673.2 feet + to the point of beginning.

Property containing 65.2 acres + and as recorded in Liber 76-47 and

PETITION FOR SPECIAL HEARING

2nd Election District ZONING:

Petition for Special Hearing

LOCATION:

South side of Windsor Mill Road, 50 ft. West of the centerline of Mayfield Avenue

DATE & TIME:

Monday, July 30, 1984 at 10:45 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

to permit a 6 month temporary one-time use of a portable rock crusher on the existing fill area Being the property of J. H. Weidemeyer, as shown on plat plan filed with the

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

IN RE: PETITION SPECIAL HEARING S/S of Windsor Mill Road, 50' ZONING COMMISSIONER W of the centerline of May- * field Avenue - 2nd Election OF BALTIMORE COUNTY Case No. 85-27-SPH J. H. Weidemeyer, Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests permission to place a portable rock crusher on his property, an existing landfill and dump, as more particularly described on Petitioner's Exhibit 1.

* * * * * * * * * * *

The Petitioner appeared and testified, as did his Lessee, Potts & Callahan, Inc., the owner of the proposed rock crusher. The Lessee was represented by Counsel. Testifying for the Petitioner were William Callahan, President of Potts & Callahan, Inc.; Paul Lee, a registered engineer; and Robert Rozinski, District Manager for Barber Greene Company, the manufacturer of the rock crusher. There were many Protestants, all represented by Counsel, twelve of whom testified. See Protestants' Exhibit 6. In addition, Charles E. Farley, an attorney and resident of the area, represented himself as a Protestant.

Testimony indicated that the subject site, located on the south side of of r Mill Road and containing 65.2 acres, is zoned D.R.3.5, D.R.5.5, and The crusher is proposed to be located on a two-acre parcel within the Zone. It was uncontested that a nonconforming use exists for a landfill and mp. Testimony further indicated that a rock crusher had been on the site in the early 1920's but had been removed since that time. The Lessee has used the property on an intermittent basis since 1970 to dump dirt and stone brought from other sites for which it had contracts.

In or about 1982, the Lessee received a permit to dump in order to utilize the site on a more permanent basis. It had received a contract to work on the new subway and needed a convenient location for its trucks and crusher. The subject site is convenient although it still requires a one-hour round trip to the subway site. The Lessee is requesting permission to place the crusher on the site for a maximum of six months and to operate it from 7:30 a.m. to 4:00 p.m., five days per week. Forty loads of crushed stone will be removed from the site and taken to the subway location each day by four or five trucks. The Lessee gambled that the rock crusher could be utilized on the site and brought 15,000 to 18,000 yards of rock there. If the herein request is denied, the rock will have to be removed. If allowed, the Lessee projects 60 to 70 days to crush the existing rock. No additional rock will be brought to the site. The time needed to remove the crushed rock depends on the weather, and therefore, the Lessee is requesting a maximum period of six months although it is hoped that the entire operation can be completed in less time. At the conclusion of the

x 50" jaw can crush stone up to approximately 16" x 20". Anything larger requires a crane about 30 feet high and a wrecking ball to break the stones into smaller pieces. The crushed stone will be no smaller than three inches in diameter It will not be crushed into dust. Each truck will be able to carry 17 tons from the site. The noise level of the crusher, less than 85 decibels, will quality construction permit before the equipment can be installed as well as an air suality operating permit. The crusher will be equipped with an approved dus suppression water spray system and will not be allowed to create any visi-

Mr. Rozinski testified that the crusher's noise level will meet all requirements, and in his experience, the noise generated by traffic is often louder than that emanating from the crusher. Existing trees on the property will also buffer the noise. The addition of the dust suppression system would,

Mr. Callahan testified that he personally knows of at least two other landfills in Maryland that have rock crushers on their site and that the rock crusher 's an accessory use to the principal use of the landfill.

The nearest home to the proposed site of the crusher is over 600 feet away to the east. Homes are even further away to the west. The actual location of the crusher will be in the lower area of the property, 580 feet from Windsor

Lessee's ability to contain the dust created by the crusher to the immediate vicinity. They are concerned that the wind will carry the dust particles to their homes and in turn negatively affect their health. They feel the noise traffic. In addition, they are concerned about the welfare of a stream which traverses the property and the potential erosion caused by the additional trucks and activity. Some concern was expressed about the impact on the well water in

They argue that the proposed crusher would create a heavy industrial use which is not permitted in a residential zone. Additionally, the proposed use

expansion of the landfill which should not be allowed under any conditions. They argue that the proposed use, temporary or not, is not accessory to the landfill and should not be permitted.

The Petitioner seeks relief under Sections 500.4 and 500.7, Baltimore County Zoning Regulations (BCZR).

Section 101, BCZR, defines an accessory use as being customarily incident and subordinate to and serving a principal use, subordinate in area, extent, or purpose to the principal use, located on the same lot, and contributing to the convenience or necessity of the business or industry in the principal use

The record is unequivocal that the principal use of the subject property is a landfill and/or dump; i.e., it is the main use of the land as distinguished from an accessory use. There are no uses other than those authorized and permitted by the owner, all of which are associated with the dumping of debris, grading, and filling of the property. The owner of the property has permitted the Lessee to dump stone on the site pursuant to permits issued by the appropriate authorities. Notwithstanding the "gamble" taken by the Lessee to dump the stone with hopes of crushing it there, the fact is that the owner and authorities have allowed such dumping. The rock crushing operation proposed involves only the crushing of stone already at the site and could well be viewed as inci-

Restimony indicated that it is not unusual for rock crushers to be utilized on Mandfill sites. Debris from construction sites must be removed and taken somethere, and the purpose of a landfill such as this is to allow for the dumping pf such debris. It would be a logical conclusion that if there were some means to dispose of the debris without taking up more land, one of our most precious natural resources, such means should be located near the debris. If 0 ×

JAN 3 1 1985

operation, the crusher will be removed from the site. The rock crusher is 39 feet long and 12 feet high at the hopper. The 22"

in his opinion, alleviate the problem of dust polluting the air.

All of the Protestants who testified expressed particular concern about the

created by the crusher and trucks will create an adverse impact on the area and that the increased truck traffic would create hazards that the roadways could not tolerate. Windsor Mill Road is a two-lane road, approximately 23 feet wide, with light traffic during the day but very heavy early morning and early evening

the area and the vibrations by the truck traffic to the homes themselves.

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Baltimore, MD 21211, ATTN: Gus A. Lambrow. Peter Max Zimmerman

den 😝 to the dumping of debris, grading, and filling on the site.

the crusher were set up at its own site, away from the debris, it would be the principal use. If set up where the debris naturally would be brought, as is the case here, it becomes accessory to the principal use. The syllogism is com-

Certainly, the proposed crusher is subordinate in area, extent, or purpose to the principal use as evidenced by the use designations on the plat. There can be no controversy regarding the other conditions precedent. However, there are extenuating circumstances which warrant consideration. The concerns raised by the Protestants are well taken and must be addressed. Various agenices of the State and County have already addressed those concerns and will require compliance with air pollution and road use regulations mandated by law.

Much testimony received from the Protestants concerned noise and air pollution. It must be emphasized that the opinions or conclusions of witnesses must be measured by the soundness of their underlying reasons or facts. Surkovich v. Doub, 265 A.2d 447 (1970). The underlying reasons presented by the Protestants are undercut by the requirements of State and County laws which demand certain minimum standards for the crusher to be established. The testimony of Mr. Rozinski, who has over 20 years in the business and expertise as district manager for the manufacturer of the crusher, must be given great weight. The explanation he provided as the basis for his opinion is both substantial and strop. See Coppolino v. Bd. of Appeals of Balto. Co., 328 A.2d 55 (1974). Thereivas nothing presented by the Protestants to substantiate their fears that the Encreased dust and noise created by the crusher will exceed what is permitter by law and will be to their detriment. To the contrary, the Lessee Will be head to strict standards.

It is obvious that the noise created by the crusher will add to the noise already generated by the landfill, but such an increase would not necessarily be detrimental to the public health, safety, and welfare of the community. Indeed,

- 5 -

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containing selected, our roald would to be safe and

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to heavy for our never road, and multress, regitables,

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Mr. Charles & Farly

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line of Thousands of people to a been dyred of line of the the the which they are accustomed. It they have should end in afrim No. Sincerely.

There is no rated reason why one

Let Mr Writerneyward Potter and Calladen to he she she was to a more rural property:

Take she is of restand and I show to your ago to make the purchased to make

of unterell suit.

the additional 40 round trips by the trucks will add to the traffic on Windsor Mill Road; however, such traffic will not be during peak hours and the loads carried must meet other State and County standards for the roadways used. No evidence was presented to conclude that the additional truck traffic would cause or create danger or hazardous conditions or that the proposed use would in any

The Protestants have a landfill in their midst which legally exists. The complaints they raised about the temporary us of the crusher are really directed at the existence of the landfill, which would appear to be permanent. The Protestants' frustrations about this fact are clear, unequivocable, and understood, but as long as the landfill legally exists, the only conclusion that can be reached is that the temporary rock crusher is accessory. As long as the State and County health and environmental requirements are satisifed, the temporary crusher must be allowed.

way adversely effect the stream or the well water.

After due consideration of the testimony, evidence, and legal arguments presented, it is determined that the Petitioner is entitled to a use permit under Section 500.4, BCZR.

Pursuant to the advertisement, posting of the property, and public hearing

on this Petition held, and for the reasons given above, the request for a use to be issued to locate a rock crusher on the subject site for a maximum period of six months should be granted. therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County,

day of August, 1984, that a use permit to locate a rock crusher subject site for a maximum period of six months be issued and, as such, the Setition for Special Hearing is hereby GRANTED, from and after the date of Order, subject, however, to the following restrictions:

1. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZPAC), which

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. . . .

are adopted in their entirety and made a part of this Order.

- 2. The County Department of Health must approve equipment that will satisfy all pollution standards prior to its establishment on the site. The Petitioner or his Lessee must conduct bi-weekly tests to insure compliance with said standards, and the results shall be made available upon demand to State and County officials and the public without delay. Such tests must be conducted where the crusher is placed and at the property line separating the Espey property from the Petitioner's
- 3. The maximum period of six months the rock crusher may be located on the site shall start when the crusher is placed on the site, not when it begins operation. The Petitioner must notify the Zoning Commissioner and Counsel for the Protestants when this occurs.
- 4. The crusher shall be located within the two-acre parcel of property indicated on Petitioner's Exhibit 1. All equipment necessary for the operation of the crusher, including but not limited to the crane and wrecking ball, bulldozers, and trucks carrying the resultant crushed stone, must be located within said parcel.
- 5. The hours of operation shall be from 8:30 a.m. to 4:00 p.m., Monday through Friday. The first truck shall not enter the site before 8:30 a.m., and the last truck shall be off the site by 4:00 p.m. There shall be ro more than 40 round trips per day.
- 6. Ingress and egress to the rock crusher shall be only from Windsor Mill Road.
- 7. The Department of Public Works must certify the routes proposed for truck traffic to transport the crushed stone, and such certification must be forwarded to the Zoning Commissioner.
- The Petitioner shall permit any State or County official on the property at any time without announcement for the purpose of exercising his or her official du-
- There shall be absolutely no extension of this temporary use permit; no further temporary use permits for a rock crusher shall be considered or permitted on the
- 10. Any request to permanently locate a rock crusher on the subject site shall be considered only after a public

hearing and subject to the conditions delineated by Section 502.1, BCZR.

cc: S. Eric DiNenna, Esquire

Irwin H. Desser, Esquire Charles E. Farley, Esquire

Mr. Harry Espey

People's Counsel

in re: petition for SPECIAL HEARING

J. H. Weidemeyer

OROER

DATE

S/S of Windsor Mill Rd., 50' W of the c/l of Mayfield Ave. 2nd Election District

* BEFOR THE

* BOARD OF APPEALS

Petitioner

* OF BALTIMORE COUNTY

* Case No. 85-27-SPH

* * * * * * * * * *

Entry of Appearance

Please enter my appearance as a party in the above captioned matter, pursuant to Section 501.6, B.C.Z.R., and I hereby request that any and all notices be forwarded to my office, including but not limited to hearing dates and/or preliminary or final Orders.

> Zoning Commissioner of Baltimore Room 109 - 111 West Chesapeake Avenue Towson, Maryland 21204

Certificate of Mailing

494-3353

IT IS HEREBY CERTIFIED that on this 11th day of September 1984, copies of the foregoing Entry of Appearance were mailed, postage prepaid, by first class delivery to the County Attorney of Baltimore County, People's Counsel for Baltimore County, Petitioner(s) and/or Protestant(s) in the above captioned matter.

IRWIN H. DESSER ATTORNEY AT LAW 3126 RICES LANE - ROUTE 5 BALTIMORE, MARYLAND 21207

448

AREA CODE 301

August 5, 1984

Office of the Zoning Commissioner Baltimore County County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Petition for Special Hearing J. H. Weidemeyer, Petitioner Case No. 85-27-SPH

Gen:lemen:

Δ

Enclosed for filing is an Order for Appeal to the Board of Zoning Appeals. If there is an administrative cost for this appeal, please send me a bill and I shall see that it is promptly paid. Also, please send me a transcript, as promptly as possible, of the proceedings that were had on July 30, 1984.

Please notify the Board of Appeals that we respectfully request an especially prompt hearing before that body since our cause will otherwise be grievously compromised given the nature of the Petition and the Commissioner's determination not to stay his order pending the outcome of our appeal.

Finally, please send me photocopies of all of Protestants' exhibits along with your statement of charges for the same.

Thank you for your prompt cooperation.

Sincerely

Irwin H. Desser

IHD:rhf Enclosure cc: S. Eric DiNenna, Esquire Phyllis Cole Friedman, Esquire Peter Max Zimmerman, Esquire

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204 TOWSON, MARYLAND 21204 494-3353

ARNOLD JABLON ZONING COMMISSIONER

August 8, 1984

- 8 -

Irwin H. Desser, Esquire 3126 Rices Lane Route 5 Baltimore, Maryland 21207

> RE: Petition for Special Hearing S/S of Windsor Mill Rd., 50' W of the center line of Mayfield Ave. J.H. Weidemeyer - Petitioner No. 85-27-SPH

Dear Mr. Desser:

I am in receipt of your letter dated August 5, 1984. Although your letter and accompanying Order of Appeal were filed prior to the issuance of my decision, I will accept your appeal as timely filed. The cost of the appeal is \$80.00, and the check should be made payable to Baltimore County, Maryland. Additionally, the protestants must be identified by name and address.

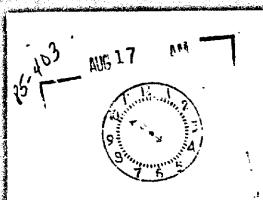
Unfortunately, the tape made of the hearing did not come out. In any event, we do not make transcripts. If you wish, you may come into the office and listen to the tape. If you feel it is useful, you may purchase a copy. In addition, if you wish to have copies of any exhibits, the cost is \$.50 per

Your letter and Order of Appeal will be immediately forwarded to the County Board of Appeals.

Very truly yours,

ARNOLD JABLON Zoning Commissioner

AJ/mc



IRWIN H. DESSER ATTORNEY AT LAW 3126 RICES LANE - ROUTE 5 **BALTIMORE, MARYLAND 21207**

AREA CODE 301

August 15, 1984

Zoning Commissioner County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Case No. 85-27-SPH J. H. Weidemeyer, Petitioner

Dear Sir:

On behalf of the Protestants in this case, I am hereby noting technically their appeal to the Board of Zoning Appeals from your determination of August 7, 1984.

The costs have already been paid and, if your office has not already done so, please send the file to the Board promptly.

Thank you for your cooperation.

Sincerely,

Irwin H. Desser

cc: Phyllis Cole Friedman, Esquire Peter Max Zimmerman, Esquire

RE: PETITION FOR SPECIAL HEARING * BEFORE THE S/S Windsor Mill Road, 50' W of Centerline of Mayfield Ave. * ZONING COMMISSIONER 2d District J. H. WEIDEMEYER, Petitioner * OF BALTIMORE COUNTY

* * * * * * * * * * * * * * *

ORDER FOR APPEAL

Now come the Protestants by Irwin H. Desser and Charles Farley, their attorneys, and they hereby note their appeal from the decision of the Zoning Commissioner of Baltimore County to the Board of Zoning Appeals.

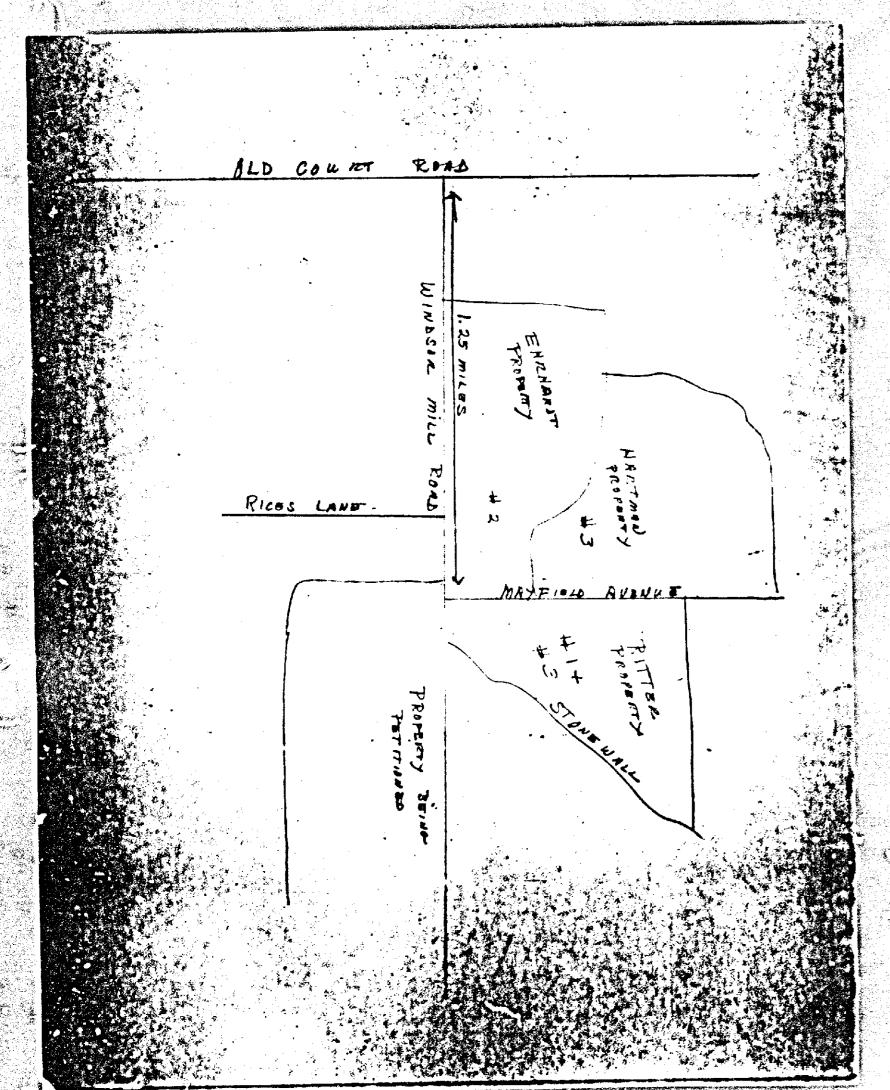
* Case No. 85-27-SPH

Charles Farley

Attorneys for Protestants 3126 Rices Lane - Route 5 Baltimore, Maryland 21207 922-1852

I HEREBY CERTIFY that, on this 5th day of August, 1984, I mailed copies of the aforegoing Order for Appeal to S. Eric DiNenna, Esquire, attorney for Petitioner, 406 W. Pennsylvania Avenue, Towson, Maryland 21204, and to Phyllis Cole Friedman, Esquire and Peter Max Zimmerman, Esquire, Office of the People's Counsel, 223 Courthouse, Towson, Maryland 21204.

Druint Cl



PROTESTANT'S Kardaustam MD 29 July 1984

Randaustam MD 21133

5 Ojibway Rd

Re: Request of Zoning Paliation for a Stone Crusher of Windsor Mil Road East of Mayfield Avenue

my name is Pete Westover. I am the Organizational Leader for Silver Stirrups 44. Our club leaps poultry and rabbits on the Ehrhardt farm (8012 windsor Mill, immediately west of the proposed site) and club members board horses on the cleary farm and an adjacent property (on Rices Lane, also immediately west).

I am extremely concerned with the possibility of respiratory problems in this livestock as a result of the dust normally generated by this type of operation. I am also concerned with the degredation of pasture and further degredation of the stream, already receiving substantial run-off from the existing tarether operation.

I am concerned for the health of my friends, the Ehrhardts, in that dust.

I am also concerned with the inevitable destruction of Windson Hill Road by the rock crusher haffic. I wo that road and, as we tax payer, it's my road that Potts and Callahan

And I think that is the heart of my problem with this. There is a fine rock crusher at Genstar on Marriottsville Road, no significant distance away and accessed by a

PROTESTANT'S EXHIBIT 2

2900 Mayfield Avenue Baltimore, Maryland 21207

July 27, 1984

Mr. Arnold Jablon Zoning Commissioner of Baltimore County 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Mr. Jablon:

I refer to the Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations concerning approval/disapproval to permit a rock crusher and construction on the south side of Windsor Mill Road at Mayfield Avenue.

As the home owner and resident located closest to this proposed rock crusher, I would like to register a most vigorous protest to this likely nuisance, no matter what the duration of time of its existance. 2900 Mayfield Avenue, my address, is located on the corner of Windsor Mill Road and Mayfield Avenue.

I feel a rock crusher will only magnify the many horrible conditions the neighborhood has had to endure since a dump was established on this property a few years ago, when a wood lot was destroyed by the dumping of many a truck load of industrial waste, then covered by countless loads of building rubble and other fill.

Not only is this dump an eye sore, but among other results it has created a constant flow of silt down hill into the stream (Ben's Run). Heavy showers and rains have on recent occasions turned Windsor Mill Road into a stream bed with the resulting erosion of that county road. Additional breaking up of our roads are being caused by what at times have been a constant roar of dump trucks, traveling at high speed down the hill aside our home, to climb up the hill into the dump with their heavy loads. This truck traffic often has taken place at the same time school buses have been traveling these roads. Proof of this reckless trucking was when one turned over on its side while racing downhill.

Other nuisances we have had to endure have been the roar of all types of bulldozers and heavy grading equipment from very early in the morning to late in the evening...some days before daylight and after dark.

I also fear for the integrity of my home and its foundation when the dump trucks have dumped their loads, banged their tail gates, dropped their bodies, while our home only a short distance away feels the shock

To Whom It May Concern:

I hereby submit the following information regarding stone crushers in the Windsor Mill Road area to point out that the crushers were used to mine and crush stone from the woods where the crushers were placed and most of the stone was used to build roads in the immediate area-

1. Approximately 75-78 years ago Bradley Blunc had a stone crusher in Ritter's woods mining and crushing the local stone for the county to be used to build roads in the local area. Mr. Blunt had a four horse team to haul the crushed stone to the road projects in the area. All stone crushed was stone mined in the woods.

2. Approximately 70 years ago a contractor by the name of Gatch had a stone crusher in Ehrhardt's woods to mine and crush local stone for the construction of Old Court Road. Mr. Gatch hauled the crushed stone from Ehrhardt's woods to Old Court Road with two six mule teams. All stone crushed was stone mined in the woods.

3. Approximately 60 years ago Thomas H. Ritter, Sr. and William Hartman hired Louis Stern who owned a stone crusher to set-up his crusher on the Ritter and Hartman property which adjoined the Ehrhardt property to crush stone from the stone wall on the Ritter property. Mr. Ritter and his sons, Mr. Hartman, Mr. Paul Ehrhardt and other neighbors laid the stone for the road which is now Mayfield Avenue. All of the stone crushed was mined from the stone wall in the Ritter woods.

I was born and raised in the house I am now residing on Windsor Mill Road over 84 years ago. Attached is a map indicating the various properties indicated above in connection with the property being petitioned for the stone crusher.

barl W. Ehrhardt

Carl W. Ehrhardt 8012 Windsor Mill Road Baltimore, Maryland 21207

July 27, 1984

PROTESTANT'S EXHIBIT 3

road already reinforced for that heavy duty traffic. I'm Sure Potts and Callahan doesn't want to pay Gemster and stand to save a buck by installing their own crusher.

BUT I DON'T SEE WHY WE HAVE TO SUBSIDIZE A CONTRACTOR OR HIS SUBWAY CONTRACT BID, AND THAT'S WHAT WE'RE BEING ASKED TO DO: THE SAVINGS TO POTTS & CALLAHAN COME ONLY AT OUR EXPENSE.

I think the request for as variation should not even be given the contery of a hearing. Here we have a situation where an excellent facility already exists no liquificant distance firther away — and yet the country is going to consider a variation, and putting the whole windsor Mill at Pices Lane area at risk, despite that - so a contractor can save a dollar

185-27-58H Protestants Present on 7/30/64 J. H. Weidemeiger 3012 fice done 3012 Riger Vane 21207 1913 Trys Lane 21207 3002 RICES LANE 21207 3000 Rice's Lane 21207 3108 Mayfield ar 21201 3103 Mayfield Cert 21201 DAYD NOSKOWITZ 3500 MILFORD MILL PD Phyllic Moskowitz 3300 Milford. Mill RL 21207 Marjean Massonere 3.45 Rues Love aura Lucke. 17/6 Windsor hell ld 21201 Burlan X. Farley 8305 i 47 produce Cin 7520 Winder Mill Kd. 21707 5726 ald Court Rd. 21207 Huf & Hawingfor 5726 CH (GO)T E) 7912 Fryiton 21207 7012 FRUS LANE 7912 FRE 7909 Fry Lave 54x, May feeld, 12 7708 WINDSOR MILL Della Marante 3/01 FICES LN

> PROTESTANT'S EXHIBIT 6

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\$103 WINDOW MILL RD Balto 21207 T. VEIT 3109 RICES LAKE BALTO 21207_ 7913 Freyo Law thile Mil. 21307 7912 Frys Lane Balt. Md. 21207 Kinda J. Herritz 3011 rais have Balto Md 21207 Minnie & Greenkerg 3305 Millord Mill Rel. Batte. The 21207 France K. Kreenberg 3305 Millord Mill R.J-Balt, Mil 2015 Winder hill Ed. 76/8 Windson Mill Rd 21207 Haller 8019 Window This Kil 21207 2/207 21207 21201 21207 Richard W and on 5713 Wentern Wall Pl 21207 3/307 Rytelle Warten 680 Window Will 21707

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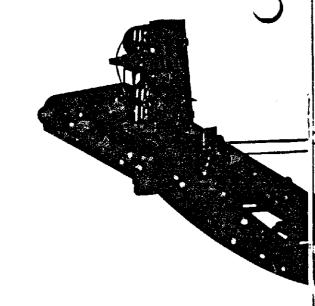
Variet Kelley 3315 Th/ay field ave 21207

Variet Walhoffer 8009 Remington ave 21207

Varyunite Forde 3201 Wayfield and 21207

BARBERGREENE ASPHALT CRUSHER

- Permits on-demand crushing any temperature, anytime.
- Provides matrix crushingonly oversize is crushed, no significant change in gradation or fines content.
- Single stage reduction—no primary crushing or pre-screening necessary.



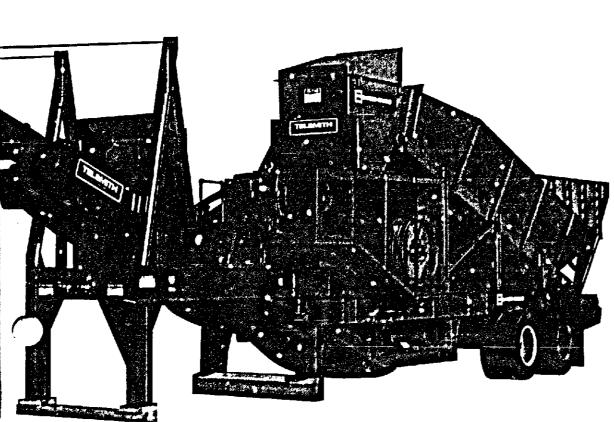
The new Barber-Greene Asphalt Crusher allows you to use all your reclaimed asphalt materials in recycled mixes, regardless of aggregate size or source of the

On-demand crushing—The key to a successful asphalt recycling operation is the ability to crush when the material is needed...not as weather permits. With the Barber-Greene Asphalt Crusher, it makes no difference if the material is hot or cold, wet or dry. The unit has proven its capability to crush on demand in field testing during a period that included some of the hottest days on record, and with material that had in excess of seven percent asphalt content. In spite of intense heat and high asphalt content, the unit provided 99.9 percent availability, and experienced no problems of material build-up or clogging. Matrix crushing-The Barber-Greene Asphalt Crusher is designed to break the matrix of reclaimed asphalt, actu-

inal material is virtually unchanged. Field tests and tests by an independent laboratory have shown that the crusher produces no significant increase of fines or new fractured faces. This is highly important

ally crushing only oversize material. Gradation of the orig-





because every new fractured face means a change in material gradation. And, new fractured faces and higher fines content create a requirement for more virgin aggregates and higher asphalt content. The result is increased mix cost and potential processing problems.

Single stage reduction—Regardless of whether the RAP is planed or ripped, the Barber-Greene Asphalt Crusher is all you need for economical and efficient reduction. No primary crushing is necessary, or even desirable. Pre-screening is not needed unless there's a significant amount of dirt, clay or other contaminants present in the RAP. You have only a single crusher to purchase, operate and maintain. Your initial investment is thereby reduced, manpower and energy requirements

OTHER ADVANTAGES

Rugged contruction-While the Barber-Greene Asphalt Crusher is designed for crushing RAP, it has the inherent strength of a hard-rock crusher. As a result, there's no need to worry about concrete rubble that may be in the ruclaimed material stockpiles.

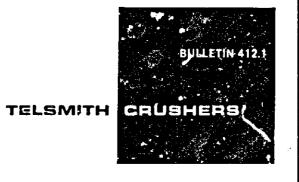
3-11

belt feeder that comes with portable and skid-mounted plants has been designed to provide positive regulatory control. The operator can vary feed rate to the crusher -depending upon the size of the reclaimed material chunks—to assure optimum crushing efficiency. For this type of application, the unit is superior to an apron feeder pecause material build up and leakage are at a minimum. Special rubber return idlers resist asphalt build-up, reducing maintenance and preventing belt misalignment Self-sizing hopper—The feeder hopper is designed to provide proper alignment of the larger ripped slabs (up to 42") prior to their entering the feed opening of the crusher. This design also ensures that oversize slabs bridge before entering the crusher, thereby eliminating the possibility of jamming due to oversize material. The oversize piece of material is readily accessible so it can

Extra-large feed opening—With its extra-large 24" x 50" feed opening, however, the Barber-Greene Asphalt Crusher can easily accept and reduce most large, slabby

material without problems.

STEWART-AMOS EQUIPMENT CO. 2700 PAXTON STREET P. O. BOX 3147 HARRISBURG, PA. 17105



22" x 50" PORTABLE PRIMARY CRUSHING PLANT

⊗ 14'4" WITH EXTENSION		TELSMITH 42" # 18 VIERATING GRIZZLY FEEDER WITH 20 H.P. MOTOR SPEEDER ORUM CONTRO	
(4,287,2MM)		TELSMITH 22 x SORB	OWER
(2,336 6MM)	STEPOIC	SUNT WITH	H DRIVE 42" z 35" L6 CONVEYOR ASSEM, BRIVE A 284-5818M.2
10 s o s o s o s o s o s o s o s o s o s			Ø DISCHARGE SI
The state of the s			SCHOOLS WITHOUT WITHOUT WAS AND
7-0" TRACK (2 (2,133 6MM) — (317 9-2" TRAVEL WIDTH (2,794 0MM)	7-0" (2,133.6MM) 14-1" (4,292.6MM)	21-0" (9,448.6MM)	2 (2 04) 8-8" (2,565.4MM) (304.6MM) (625.5)
(2.759.0MM) → 7.1° (2.159.0MM) →	(8) 11 s 20 z 14 PLY TIMES	FULL COMPENSATING FRIPLE ARLE UNIT WITH AMR BRAKES 12 — 9 x 20 x 10 PLY TIRES	SOPTIONAL EQUIPMENT

 22" x 50" Jaw Crusher with drive and guard.
 42" x 14'-0" long Vibrating Grizzly Feeder with mot guard.
4. Welded structural steel chassis, blocking supports, jack Tandem rear axle with equalizers, dual pneumatic tire (11:00 x 20 x 14 nly) with air brakes. 6. Power unit or ejectric motor support. 7. All necessary supporting structures, hoppers and chute

EXTRAS FOR BASIC PLANT ---1. Mounting of power unit or electric motor. 2. Tandem axle dolly with towing pole. 3. Triple rear axle instead of tandems. 4. Automatic oil pressure lubrication for Jaw Crusher. 5. 16 ft. long Vibrating Grizzly Feeder instead of 14 ft. long. 7. Feed Hopper — for 6 ft. additional width. 8. 30" x 6'-0" long. Reject conveyor - motor and discharge and the first the second of th

1. Plant mounted electric control cabinet with starters for feeder and conveyor wired to motors — 460V.

12. Wiring from crusher motor to receptacle and plug — no 13. Highway transport lights and mud flaps. 14. 42" x 35'-0" long delivery conveyor Instead of 26 ft. long — 20 h.p. motor and drive — no starter or wiring. 5. Delivery conveyor discharge and chute. 16. Plant mounted generator. 17. 42" x 16'-0" Vibrating Grizzly Feeder with 8'-0" step deck

10. Wiring from feeder and conveyor motors to receptacle

TELSMITH • DIVISION OF BARBER-GREENE • MILWAUKEE, WISCONSIN, U.S.A.

July 28 , 1984

WE, THE UNDERSIGNED, residents of and workers in the Ben's Run area, do hereby protest and express our strong opposition to the granting of a permit for the use of a portable rock-crusher for a six-month, or even shorter, period at the site on the south side of Windsor Mill Road, 50 feet west of the centerline of Mayfield Avenue pursuant to the Petition for Special Hearing recently filed by J. H. Weidemeyer. We believe that the noise and air pollution problems, the problems with an increase in traffic, and the other problems that would result from such an enterprise dictate that the said Petition be denied.

Jeggy L. Brooks 151	I Flinty Plain ON. 21207
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Kista & Corpect	2509 Fleaty Place 21207
Richard String	7507 Flenty Plan (ex)
Matilla Strengt	1507 Flikty Prainfle, 2/207
Jane Flyn	7595- Fling Plan Ros-31307
Dr. William B. Greenberg	3305 Millow Mill RD 21207
Frances K. Greenberg	3305 Milford Mill Rd 21207
· Live My hours	3305 Milford, Mill Rd. 21207
Hyllis Makowitz	3300 Milford Will Rd 21207
Jam Burs	3300 Melal Mile Rd 2101
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Grandy 1/at-3	3300 KARENDA 2/2/27
Thereon Kap	3300 KARENDA, 21207
May Dolw	37/1/mcChalmelaison
Jefohu -	3311 millard mil 21207
Christe Matigue	3315 hee fort thee Rf - 21207
- Nobel M Caple	3302 Karen Dr 21207

PROTESTANT'S EXHIBIT 5

WR, THE UNDERSIGNED, residents of and workers in the Ben's Run area, do hereby protest and express our strong opposition to the granting of a permit for the use of a portable, rock-crusher for a six-month, or even shorter, period at the site on the south side of Windsor Mill Road, 50 feet west of the centerline of Mayfield Avenue pursuant to the Petition for Special Hearing recently filed by J. H. Weidemeyer. We believe that the noise and air pollution problems, the problems with an increase in traffic, and the other problems that would result from such an enterprise dictine the the said Petition be denied.

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Morall 2 Dehil	3300 N.R. 11:00 23 21201
Irwin Colucki	3351 N. Rolling R) 21207
Libby & Suk	3300 N Polling Rd. 21217
Betty Whitaker	3702 Rolling Bd. 31201
Lamand HoHesman	3:314 Milford Micho Que
SANDER FOHESINEN	3314 Metsford Mil Reserve
Ellawie J. Venijal	5117 Old Court Tand 21133
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Divited Low	2 Wild Chry Lx.
Shirley Jatterson	7Will Cherry CT
marino Ansoll	33/2 Wild cherry Road
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Koren M- Vais	So 30 Noutwood Kd
Mrs Mrs Lety C. France	8028 Montwood Pa
Man Ores	Lwill Cherry Cy-
· Ellet Planty	8035 MONTWOOD Rel
Nardell Joellow	8034 motional el
James Polamby	8135 Montwood Pd.
mrthy 111. 1. Clark	3314 Wild Cherry Rd
Byrnette Me New	8030 Montwood Rd.
Laurence minin	80 30 montwood Rd
Haymond 7 Nidey	3032 Sala Rose BS St Tol
Vista M Kidy	3030 Delem Rd.

The second of th BUREAU OF ENGINEERING - BALTIMORE COUNTY, MD.

JAN 3 1 1985

WE, THE UNDERSIGNAD, residents of and workers in the Hen's Run crea, do hereby protest and express our strong opposition to the granting of a permit for the use of a portable rock-crusher for a six-month, or even shorter, period at the site on the south side of Windsor Hill Road, 50 feet west of the centerline of Hayfield Avenue pursuant to the Petition for Special Hearing recently filed by. J.W. Weideneyer. We believe that the noise and air pollution problems, the problem with an increase in traffic, and the other problems that would result from such an enterprise dectate that the said Tetition be denied.

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Mary Lu Stever 8103 Window Mill Ro 21207

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Charles and 3106 Rices Lane 21207

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Chir K. Lindwood 3106 Rices Lane 21207

June M. Deit 3106 Rices Lane 21207

JULY 29 1984

WE, THE UNDERSIGNED, residents of and workers in the Bem's Run area, do hereby protest and express our strong opposition to the granting of a permit for the use of a portable rock-crusher for a six-month, or even shorter, period at the site on the south side of Windsor Mill Road, 50 feet west of the centerline of Hayfield Avenue pursuant to the Petition for Special Rearing recently filed by. J.W. Heidemeyer. We believe that the noise and air pollution problems, the problem with an increase in traffic, and the other problems that would result from such an enterprise dectate that the said Petition be denied.

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Hild & Lalmer	86/8WinderWill Rd. 2/207
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Myron I'W Cles	8700 Inwood RD 21207
tenhen miler	
Kel 1. Miller	1)
dauss Blower	3119 Southaren
Someline E Houp	8616 Inwood Rd. Balto an A2/209
Frances Watte	3501 Orchard ave
Thomas L. Elliott	5605 Northgreen Pol.
Frithy Constantino	12/6 Jamen Jd.
Jage R. Diea	5200 North que RD. 21207
1/mu C. Rino	23 annamen ando 211338
Way E Harter	8019 WILDSORMILLER Rd.
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JULY 28 1984

WE, THE UNDERSCORD, recidents of and workers in the Ben's Run area, do hereby protest and express our strong opposition to the granting of a permit for the use of a portable rock-crusher for a six-month, or even shorter, period at the site on the south side of Windsor Mill Road, 50 feet west of the centerline of Mayfield Avenue pursuant to the Petition for Special Rearing recently filed by. J.W. Weideneyer. We believe that the noise and air pollution problems, the problem with an increase in traffic, and the other problems that would result from such an enterprise dectate that the said Petition be denied.

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1. H. Weidemeyer
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PROTESTANT'S
EXHIBIT

JULY 21, 1984

WE, THE UNDERSIGNED, residents of and workers in the Ben's Run area, do hereby protest and express our strong opposition to the granting of a permit for the use of a portable rock-crusher for a six-conth, or even shorter, period at the site on the south side of Windsor Mill Road, 50 feet west of the centerline of Mayfield Avenue pursuant to the Petition for Special Rearing recently filed by. J.W. Weidemayer. We believe that the noise and air pollution problems, the problem with an increase in traffic, and the other problems that would result from such an enterprise dectate that the said Petition be denied.

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Charles May 3	8616 Windson Nill Rd MD 21207
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July 23, , 1984

WE, THE UNDERSIGNED, residents of and workers in the Ben's Run area, do hereby protest and express our strong opposition to the granting of a permit for the use of a portable rock-crusher for a six-month, or even shorter, period at the site on the south side of Windsor Mill Road, 50 fact west of the centerline of Mayfield Avenue pursuant to the Petition for Special Hearing recently filed by J. H. Weidemeyer. We believe that the noise and air pollution problems, the problems with an increase in traffic, and the other problems that would result from such an enterprise dictate that the said Petition be denied.

Man M. Tip.	7913 Pmp Lem - 21207
House Ty.	7913 Frejs dane 21207
Hilda Bourden	7912 Fry La 21207
albert Bourley	1912 Frys Lon 21207
Denis Bourlas	7912 Tays JAME 2/207
D. Bonder	7912 FRY'S LANE 21207
-Charles Houses	3002 RICES LA 7.1207
Frederick Hickory	3000 Rice's lane 21207
Ale Habb	3000 Pixer have 21207
Edwin Lughe	2716 Winds mill Rd 260
ame Licke	77/6 Windsor Mil Pd 21207
Mary Stationally	3/24 Rice Fane 2/207
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Katherine Bayer	3117 Ricas Parl
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William A Eyvans 8216 Winder Mill Rd 21207
Helen M. Ehrhardt, 8012 Window Will Rd., 21207
Margert K Evane 8216 Winder Mill Re 21707
Willie Reed 8307 Winder Mill Rd 21207
Exhel Liebno 9305 Wirdson Mill Pd 21207
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U OF ENGINEETING - BALTIMORE COUNTY, MO.

JAN 3 1 1985

July 28, 1984

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8007, Remington Ave

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centerline of Mayfield Avenue pursuant to the Petition for

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3/20 MAYFIELD AVE - 21207
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2303 Timber Rd. 21207
8306 John 191207
8306 Jinely/Rd. 21207
8304 Timsley Rd21207
3407 MAYFIELD AVE 21207
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330f Courteur Dr.
3315 May fuld ave
3412 MAGRICH AVE

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3218 Fairview Rd. -21207

3217 farmew Rd 21207

3212 Fairie Md 21207

3209 Furnier Rx 2/207

3206 Farmer Rd 21207

3301 FAIRVIEW AUG

7228 Providon

7229 Craden

3/21 May Lair Rd

PBOX GBERTI Rd.

3100 Fariou Kl 21207

3303 Fairer Pd 2120

3303 Farman Pl 21207

3301 Fairvier R/ 210

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3219 Fairview Rd. 21207

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Charles Stel	3312 Milford Mill Rd 21207
J. Benely Leventhel	3312 Mueford Wall Res 21267
Frank Leverthol	3312 miles & Digo Re
Frank Leverthof Jold. W. W.	328 Rolling Rd. 21207
Reta & Smith	3841 Rolling RA. 21207
David B. South	324/ Rolling Rd. 21207
many must	3239 Rdl Rd 2/297
Churchel Gum	3235 Rellex Pd 21207
· Thomas Heines	3235 ROLLING RO 21207
Frances Enos	3231 Kolling Xd 21207
Cone asuadi	3305 Weld Cherry Hd. 21207
Sidney Baylus	3307 Wold Cherry Rd 4217
Thelma Coha	3309 Wild Cherry Rd 212.7
San Cohen	3309 WILD CHOWNY M 21207
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James D BO 8008 Parks	Jane 2,1207
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Robert Jacoc -	34x 1 May weld Hoz >1207
Virginia (B.) George	34x, Mayfield DrE 21207
Gelores Student	3422 marfille ave. 21207
Edward Ireland	3301 Mayfieldavroz
J. Geneviere Ireland	3302 mayfield av 21207
Sh. G. F. Poleth	8007 Parks Jame 21207
James O. M.K.	2009 Pais Aar 2/201
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alice V. Tatefutt	8007 Parks da 21208
Gelten W. Weeks	3/11 True field are 2/207
magaret C. Welker	8008 Rements One 21207
Jack Bolomb	8009 Parings Out 21217
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July 20 , 1984

WB, THE UNDERSIGNED, residents of and workers in the Ben's Run area, do hereby protest and express our strong opposition to the granting of a permit for the use of a portable rock-crusher for a six-month, or even shorter, period at the site on the south side of Windsor Mill Road, 50 feet west of the centerline of Mayfield Avenue pursuant to the Petition for Special Hearing recently filed by J. H. Weidemeyer. We believe that the noise and air pollution problems, the problems with an increase in traffic, and the other problems that would result ch an enterprise dictate that the said Petition be denied.

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Betty (18 news	3200 Rolling Rd.
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Carol Bushan	7615 Windsa Willfl.
Michael Lifele	7615 Windon Red Rd
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Manche Mish	7343 Waller Mill Od.

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Arin J. Khodes	3115 M. Rolling Rd. 21207
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Joan Chestey	2900 Solem Rd,
Mariel Findre	2920 Salem Rd
Bertha B. Wilson	734/Windson Mill Rd.
Marelyn Ahinnes	7333 Windson Mill RO
Robert ruhele	1331 winder mile PA
Sathe Jones	7317 Windsor Mill Rd.
Belly Butty	
Margaret Geninger	3110 Richwood ave
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A WINGE STRUMENTED	

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JULY 25 1984

WE, THE UNDERSIGNED, residents of and workers in the Hen's Run area, do hereby protest and express our string opposition to the granting of a permit for the use of a portable rock-crusher for a six-month, or even shorter, period at the site on the south side of Windsor Mill Road, 50 feet west of the centerline of Hayfield Avenue presunt to the Petition for Special Hearing recently filed by. J.W. Weideneyer. We believe that the noise and air pollution problems, the problem with an increase in traffic, and the other problems that would result from such an enterprise dectate that the said Petition be denied.

Burker Ruppalt.	7700 WINDSOR MILL RP. 21207
Irana L. Ruffalt	. 1700 Windson Will Rd. 21207
Louis & nather	7618 Mindoon Mill. Rs 21207
Margaret P. Nolan	1618 Windson Mil Rd 21207
Charles 2 Molar	3515 Orchadave 21207
Garry C. Esper	2615 Windon Will 21207
Frace Esper	26/5 Winder Will R/21207
Chair D. Failey	3114 N. Relling Road Solto 21207
Linda Roles	3112 N. Rolling ROAD BALTO 21207
Linka Rales	3112 ROLLING RD BALTO -21207
George F. Busek	3040 Sclem Rd Bolto 21207
tattana Crumbaugh	7516 Windsor Mill Rd. Bult. 21207
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Rett D. Malling	75:19 Winter Till Road 1. 21297
W T Goongleld	7517 Mender Mell Rol
E.W. Biffork	3033 Salim Rd. 21207
Soll Heliener	3000 Salem Rd 21207
Wigham J. Eder	7409WINDSOR MILL Rd 21207
Thomas D. Sulfa	7403 Windson Mill Rd 21207
Proling Shelpy	7403 hurdsomill Rd. 21201
Salvatore E. Micriche	7401 Windson Will Rd 21207
Rachel Micache	7401 Windows Will Rd 21207
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BOTO CONTRACTOR OF THE CONTRAC	11207

JULY 28 1984

WE, THE UNDERSIGNED, residents of and workers in the Hen's Run area, do hereby protest and express our string opposition to the granting of a permit for the use of a portable rock-crusher for a six-month, or even shorter, period at the site on the south side of Windsor Will Road, So feet west of the centerline of Mayfield Avenue pursuant to the Petition for Special Hearing recently filed by. J.W. Meideneyer. We believe that the noise and air pollution problems, the problem with an increase in traffic, and the other problems that would result from such an enterprise dectate that the said Petition be denied.

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Fronk E. Moul	6818 Windson Mill Road
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J.F. Caltrider	2036 READ RD 21207
Mrs. Marie Daklmann	2032 Read RD. 21207
Heldegard D. Honey	2032 Read RD. 21207
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Eleanor Summers	2028 Real Rd 21207
Glaria M. Nitelell	2030 lead ld 21207
Iring / Summers	7333 Windson Mill Rd. 21207
William Robinson	2033 Read Road 21207
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al From Stevenma

July 28 , 1984

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Kenneth Logwood	
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William Davis	3
Michael Davis	3
Dettie Snyder	8939 Stevensund 1 d 2 ko
Havy John	8839 Stevenson Od 21207
West Horton	8521 Slevergroup Rd

PROTESTANT'S EXHIBIT

WE, THE UNDERSIGNED, residents of and workers in the Ben's Run area, do hereby protest and express our strong opposition to the granting of a permit for the use of a portable, rock-crusher for a six-month, or even shorter, period at the site on the south side of Windsor Mill Road, 50 feet west of the centerline of Mayfield Avenue pursuant to the Petition for Special Hearing recently filed by J. H. Weidemeyer. We believe that the noise and air pollution problems, the problems with an increase in traffic, and the other problems that would result

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Mauro J. Vinigar	5113 Old Court Track 21133
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July 28 , 1984

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Jeggy L. Brooks 1511	Flenty Plain ON. 21207
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Min K. Greenherty	3305 Milford Mill Ru 21207
Frances K. Kreenberg	3305 Milford, Mill Rd. 21207
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Bertha B. Wilson

July 28, 1984

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centerline of Mayfield Avenue pursuant to the Petition for

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Ben's Run area, do hereby protest and express our strong

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July 23 , 1984

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Brothe Wich	3217 Farmen RA 21267
Benjamin F. Lemon	3212 Fairew Rd 21207
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Mrs 4.6 Cook	3301 Farmer (12121
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Coul Burlis	7615 Winder Mill F.D.
Michael Lifely	7615 Windon Rule Rd
Susan J. Cair	-7409 Werdows Milled.
Alanene Mist	2333 Windson Mill Rd.

BUREAU OF ENGINEERING - BALTIMORE COUNTY, MD.

July 28 , 1984

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WE, THE UNDERSIGNED, residents of and work is in the Ben's Run area, do hereby protest and express our strong opposition to the granting of a permit for the use of a portable rock-crusher for a six-month, or even shorter, period at the site on the south side of Windsor Mill Road, 50 feet west of the canterline of Mayfield Avenue pursuant to the Petition for Special Hearing recently filed by J. H. Weidemeyer. We believe that the noise and air pollution problems, the problems with an increase in traffic, and the other problems that would result from such an enterprise dictate that the said Petition be denied.

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July 20-2/, 1984

WE, THE UNDERSIGNED, residents of and workers in the Ben's Run area, do hereby protest and express our strong opposition to the granting of a permit for the use of a portable rock-crusher for a six-month, or even shorter, period at the site on the south side of Windsor Mill Road, 50 feet west of the centerline of Mayfield Avenue pursuant to the Petition for Special Hearing recently filed by J. H. Weidemeyer. We believe that the noise and air pollution problems, the problems with an increase in traffic, and the other problems that would result from such an enterprise dictate that the said Petition be denied.

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	Jan Baston	8306 John 1207
	Emily Baston	8306 Jinsly Rd. 21207
	Elawe Hancock	8304 Timsley Rd21207
-	Mary K Shamleston	3407 MAYFIELD AVE Z1207
-	William H. Mambelder	3407 MAYFIELD AVE 21207
	Londo C. Cassell	3405 Mayfield ave 21307
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111. 26, 15th

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WE, THE UNDERSIGNED, residents of and workers in the Ben's Run area, do hereby protest and express our strong opposition to the granting of a permit for the use of a portable rock-crusher for a six-month, or even shorter, period at the site on the south side of Windsor Mill Road, 50 feet west of the centerline of Mayfield Avenue pursuant to the Petition for Special Hearing recently filed by J. H. Weidemeyer. We believe that the noise and air pollution problems, the problems with an increase in traffic, and the other problems that would result from such an enterprise dictate that the said Petition be denied.

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JULY 28 1981

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July , 1984

WE, THE UNDERSIGNED, residents of and workers in the Ben's Run area, do hereby protest and express our strong opposition to the granting of a permit for the use of a portable rock-crusher for a six-month, or even shorter, period at the site on the south side of Windsor Mill Road, 50 feet west of the centerline of Mayfield Avenue pursuant to the Petition for Special Hearing recently filed by J. H. Weideneyer. We believe that the noise and air pollution problems, the problems with an increase in traffic, and the other problems that would result

•	that the said Petition be denied.
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JULY 26, 1984

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JULY 28 1984	

WE, THE INDERSIGNED, residents of and workers in the Hen's Run area, do horeby protest and express our strong opposition to the granting of a permit for the use of a portable rock-crusher for a six-month, or even shorter, period at the site on the south side of Windsor Hill Road, to feet west of the centerline of Hayfield Avenue pursuant to the Petition for Special Hearing recently filed by. John Heidemeyer. We believe that the noise and air pollution problems, the problem with an increase in traffic, and the other problems that would result from such an enterprise dectate that the said Petition be denied.

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BUREAU OF ENGINEERING - BALTIMORE COUNTY, MD.

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July 28, , 1984

WE, THE UNDERSIGNED, residents of and workers in the Ben's Run area, do hereby protest and express our strong opposition to the granting of a permit for the use of a portable rock-crusher for a six-month, or even shorter, period at the site on the south side of Windsor Mill Road, 50 feet west of the centerline of Mayfield Avenue pursuant to the Petition for Special Hearing recently filed by J. H. Weidemeyer. We believe that the noise and air pollution problems, the problems with an increase in traffic, and the other problems that would result from such an enterprise dictate that the said Petition be denied.

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WE, THE UNDERSIGNED, residents of and workers in the Ben's Run area, do hereby pretest and express our strong opposition to the granting of a paralt for the use of a portable rock-crusher for a six-month, or even shorter, period at the site on the south side of Windsor Will Road, 50 feet west of the centerline of Mayfield Avenue pursuant to the Petition for Special Mearing recently filed by. J.W. Meidemeyer. We believe that the noise and air pollution problems, the problem with an increase in traffic, and the other problems that would result from such an enterprise dectate that the said letition be denied.

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must (Mr Heiderneger) should be able to reduce the line of Thousand of people to a been dywing. lifethe then that to which they are accustomed.

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PROTESTANT'S EXHIBIT 2

2900 Mayfield Avenue Baltimore, Maryland 21207

Mr. Arnold Jablon Zoning Commissioner of Baltimore County 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Mr. Jablon:

I refer to the Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations concerning approval/disapproval to permit a rock crusher and construction on the south side of Windsor Mill Road at Mayfield Avenue.

As the home owner and resident located closest to this proposed rock crusher, I would like to register a most vigorous protest to this likely nuisance, no matter what the duration of time of its existance. 2900 Mayfield Avenue, my address, is located on the corner of Windsor Mill Road and Mayfield Avenue.

I feel a rock crusher will only magnify the many horrible conditions the neighborhood has had to endure since a dump was established on this property a few years ago, when a wood lot was destroyed by the dumping of many a truck load of industrial waste, then covered by countless loads of building rubble and other fill.

Not only is this dump an eye sore, but among other results it has created a constant flow of silt down hill into the stream (Ben's Run). Heavy showers and rains have on recent occasions turned Windsor Mill Road into a stream bed with the resulting erosion of that county road. Additional breaking up of our roads are being caused by what at times have been a constant roar of dump trucks, traveling at high speed down the hill aside our home, to climb up the hill into the dump with their heavy loads. This truck traffic often has taken place at the same time school buses have been traveling these roads. Proof of this reckless trucking was when one turned over on its side while racing downhill.

Other nuisances we have had to endure have been the roar of all types of bulldozers and heavy grading equipment from very early in the morning to late in the evening...some days before daylight and after dark.

I also fear for the integrity of my home and its foundation when the dump trucks have dumped their loads, banged their tail gates, dropped their bodies, while our home only a short distance away feels the shock

I feel that the proposed rock crusher location and operation will cause even greater shock waves. I would like you to make note of the fact that the selected location is as far as possible from the home and building (residence) owned by Mr. Weidemeyer.

To Whom It May Concern:

I hereby submit the following information regarding stone crushers in the Windsor Mill Road area to point out that the crushers were used to mine and crush stone from the woods where the crushers were placed and most of the stone was used to build roads in the immediate area:-

1. Approximately 75-78 years ago Bradley Blunt had a stone crusher in Ritter's woods mining and crushing the local stone for the county to be used to build roads in the local area. Er. Blunt had a four horse team to haul the crushed stone to the road projects in the area. All stone crushed was stone mined in the woods.

2. Approximately 70 years ago a contractor by the name of Gatch had a stone crusher in Ehrhardt's woods to mine and crush local stone for the construction of Old Court Road. Mr. Gatch hauled the crushed stone from Ehrhardt's woods to Old Court Road with two six mule teams. All stone crushed was stone mined in the woods.

3. Approximately 60 years ago Thomas H. Ritter, Sr. and William Hartman hired Louis Stern who owned a stone crusher to set-up his crusher on the Ritter and Hartman property which adjoined the Ehrhardt property to crush stone from the stone wall on the Ritter property. Mr. Ritter and his sons, Mr. Hartman, Mr. Paul Ehrhardt and other neighbors laid the stone for the road which is now Mayfield Avenue. All of the stone crushed was mined from the stone wall in the Ritter woods.

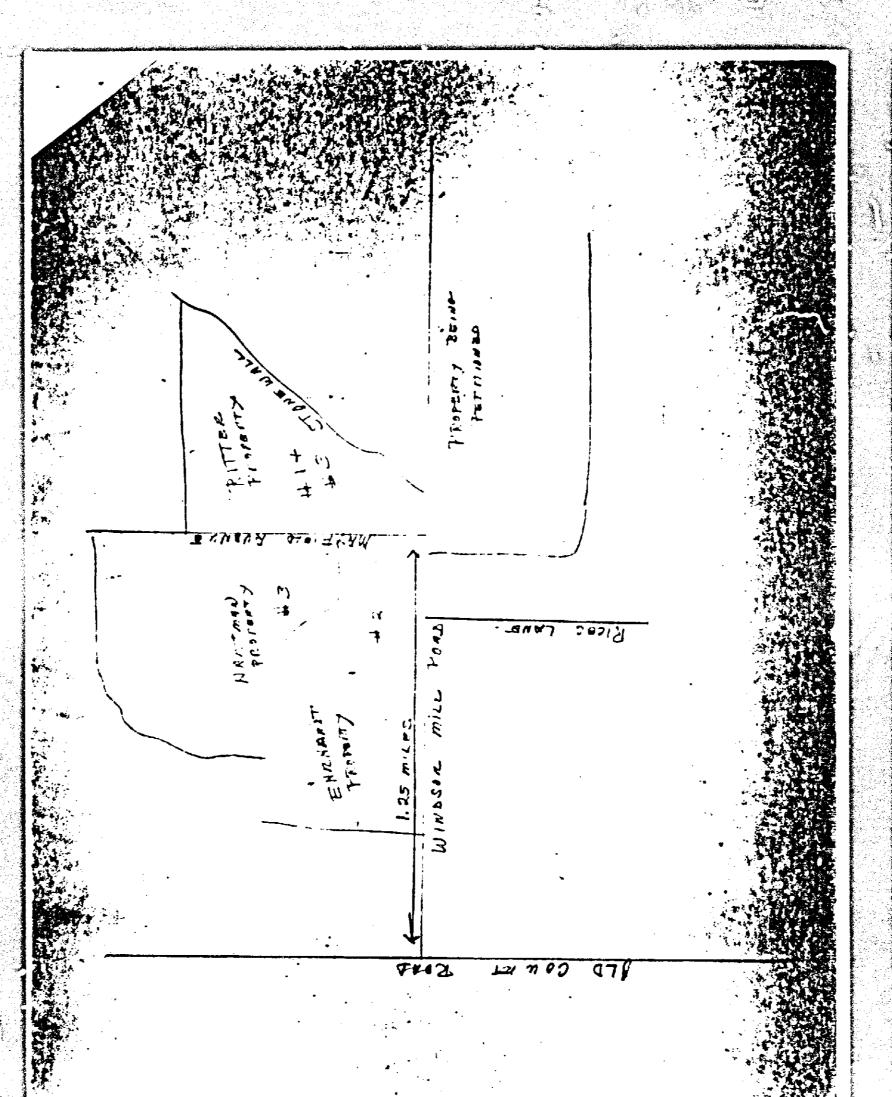
I was born and raised in the house I am now residing on Windsor Mill Road over 84 years ago. Attached is a map indicating the various properties indicated above in connection with the property being petitioned for the stone crusher.

barl W. Ehrhardt

Carl W. Ehrhardt 8012 Windsor Mill Road Baltimore, Haryland 21207

July 27, 1984

PROTESTANT'S
EXHIBIT



5 Ojibway Rd Randaustam MD 21133

PROTESTANT'S Pandaustain MD 21133
29 July 1984
Re: Request for David Beliation for a Stree Crusher of Windsor Mill Road East of Mayfield Avenue

Gertlemen

my name is Peter Westerer. I am the Organizational Leader for Silver Stirrups 44. Our club keeps poultry and rabbits on the Ehrhardt farm (8012 wudson Mill, immediately west of the proposed lite) and which members board horses on the cleary farm and an adjacent property (on Rices Lane, also immediately wast).

I am extremely concerned with the possibility of respiratory problems in this livestock as a result of the dust normally generated by this type of operation. I am also concerned with the degredation of pasture and further degredation of the stream, already receiving substantial run-off from the existing lardful operation.

I am concerned for the health of my friends, the Ehrhardts, in that idust.

I am also concerned with the inevitable destruction of Windson Hill Road by the rock crusher traffic. I was that road and, as as tax payer, it's my road that Potts and Collabor will destroy.

And I think that is the heart of my preblem with this. There is a fine rock crusher at Genstar on Marriottsville Road, no significant distance away and accessed by a

road already reinforced for that heavy duty haffic. I'm sure Potts and Callahan doesn't want to pay Gemster and stand to save as buck by installing their own crusher.

BUT I DONT SEE WHY WE HAVE TO SUBSIDIZE A CONTRACTOR OR HIS SUBWAY CONTRACT BID, AND THAT'S WHAT WE'RE BEING ASKED TO DO: THE SAVINGS TO POTTS & CALLAHAN COME ONLY AT OUR EXPENSE.

even be given the content of an hearing. Here we have a situation where an excellent facility already exists no lignificant distances further away — and yet the country is going to consider a variation, and putting the whole window Mill at Rices lane area at risk, despite that — so as contractor can save a dellar.

Pete Weshos

S. Eric DiNenna, Esquire Page Two September 28, 1984

5. If the Board of Appeals finds the non-conforming use issue properly before it, I will carry forward on appeal this issue only.

6. As an alternative to numbers 4 and 5 above, you and I will mutually request that Commissioner Jablon indicate by Supplemental Findings of Fact and Conclusions of Law whether it was his intention to rule on the non-conforming use of the land fill, and to forward such Supplement as part of the record, to all interested parties.

In the event it is determined that the non-conforming use was not at issue and therefore not incorporated into the ruling as such, I will request the withdrawal of the appeal in its entirety.

Very truly yours,

Anh B. Fark

CHARLES B. FARLEY

CBF/tlc

CC: Irwin Desser, Esquire
Peter Zimmerman, Esquire
Arnold Jablon

Control of the Liberty Road Community Council Register that you postrone the Maning case No. 8-2-7-8-8 its libert and the Maning Case No. 8-2-7-8-8 its libert and the Maning Case No. 8-2-7-8 its libert and the Maning Operation of Durish the Maning The Maning Operation of Durish the Maning The Maning Operation of Maning The Maning Operation of Maning The Maning Operation of Maning The Maning Tool of Maning Tool of

S. Eric Dinana, Esquire
406 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Rock Crusher and Related Issues

Dear Mr. DiNenna:

As you are aware I have grave reservations about entering into an agreement with Potts and Callahan which would effectively dispose of the appeal noted in their favor. My concern stems from the fact that Mr. Jablon, in his Findings of Fact and Conclusions of Law made reference throughout to the "legal land fill" and "non-conforming use land fill" although this matter was not an issue and notice was not given by a publication, posting, etc. that a non-conforming use issue would be entertained at the zoning hearing. Had the Zoning Commissioner's decision simply recited his finding of an existing land fill, I would not be concerned. However, Mr. Jablon's decision goes beyond this and appears to give credence to the existence of a legitimate land fill as a matter of law.

I am not willing to concede this, and I feel that an agreement in regard to the rock crusher rendering the noted appeal moot would also effectively establish the legality of Mr. Weidemeyer's land fill, rendering useless any attempt to contest the land fill at a later date.

Per your request during our recent conversations concerning this matter,

I am proposing the following:

I. I will move to strike my appearance so that it is in no manner reflected that I may be representing the Ben's Run Community as co-counsel.

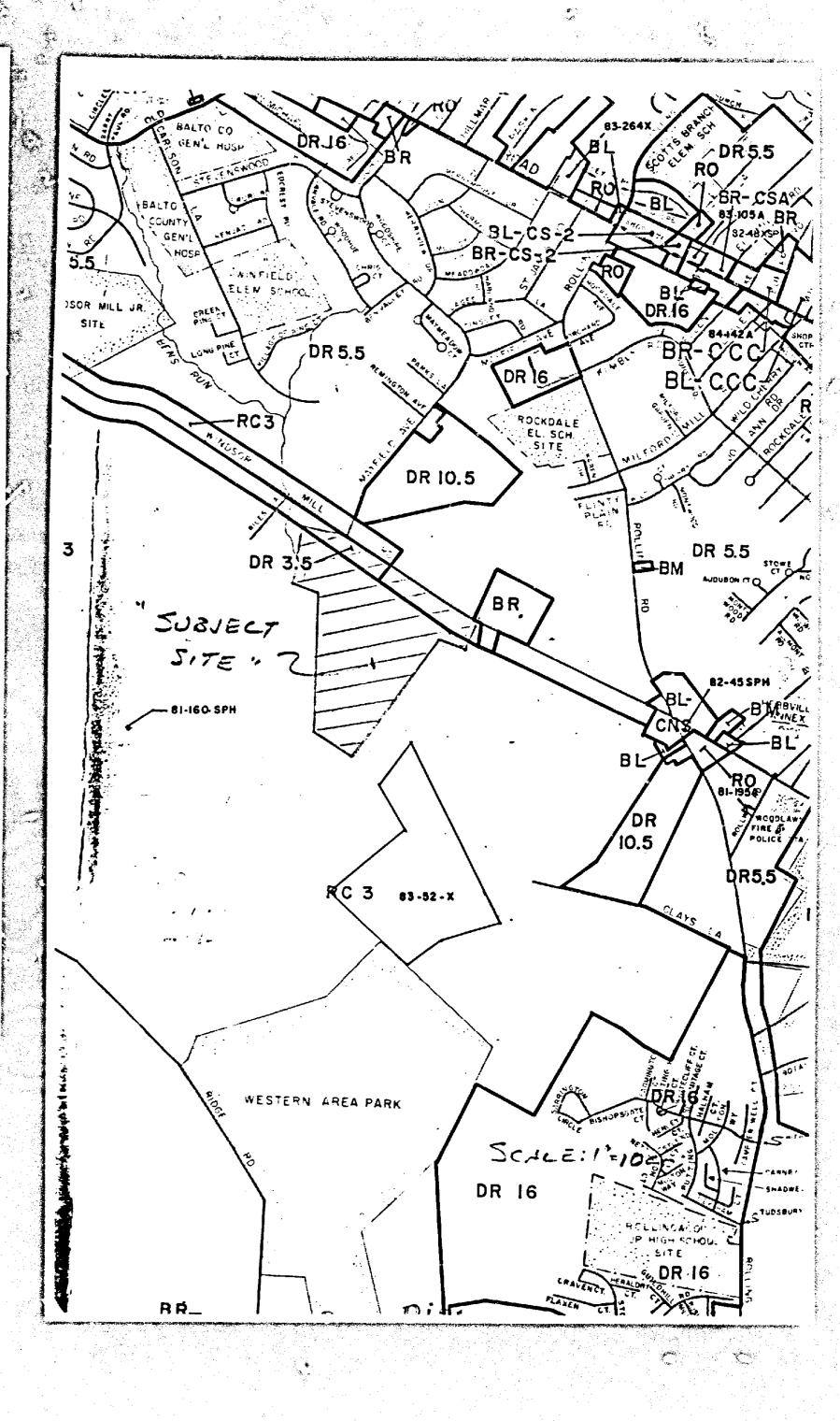
2. Simultaneously, I will ratify the fact that my appearance is to be entered on behalf of myself only, or in proper person, as accurately indicated in Mr. Jablon's Findings of Fact and Conclusions of Law. (It is my intention to

3. I will enter into an agreement with Potts and Callahan on my own behalf, re ting my cooperation in exchange for the promise that the rock crusher will not be installed. This agreement will essentially incorporate the terms reached by Irwin Desser on behalf of the community members, with Potts and Callahan,

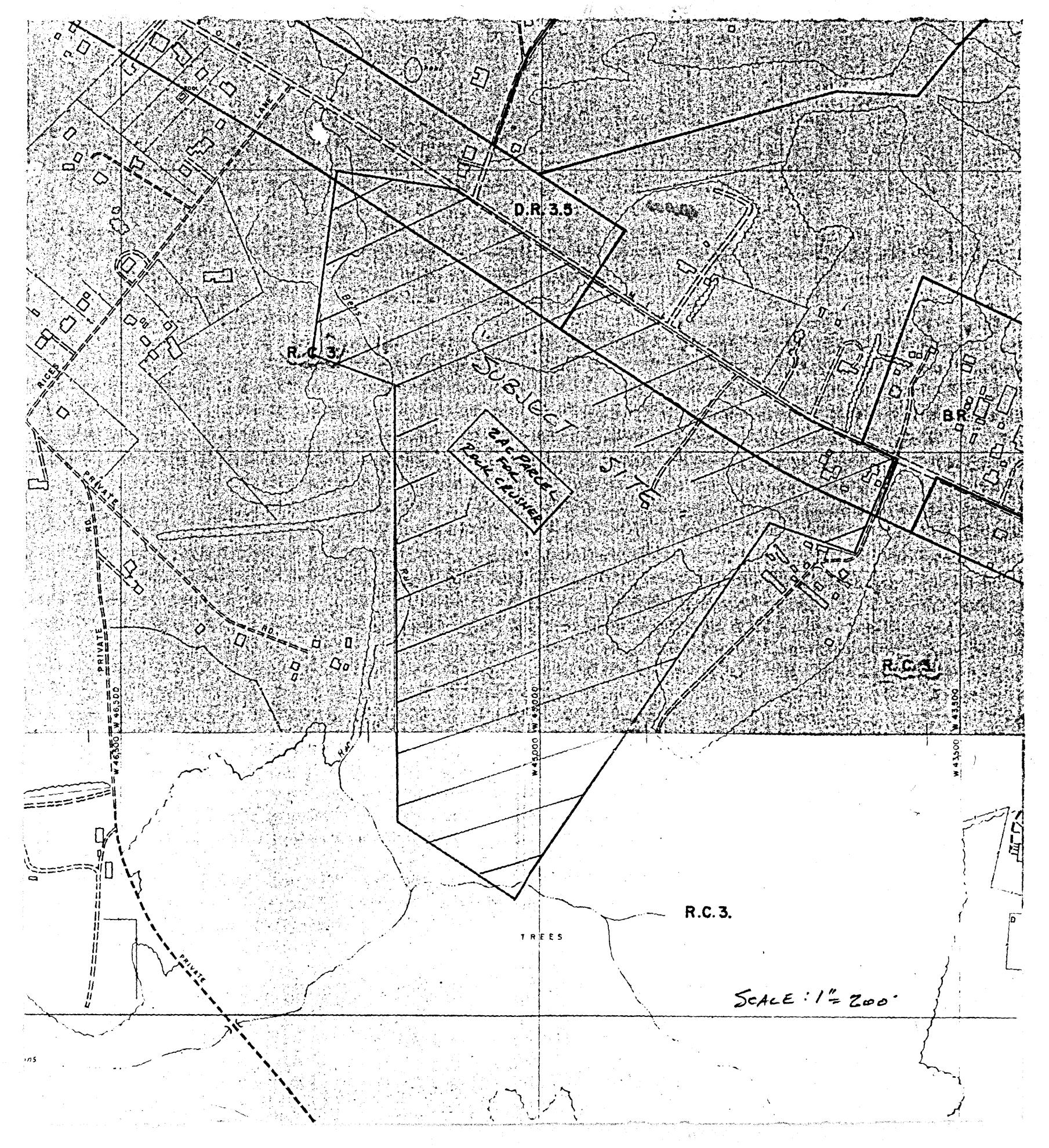
do this whether we are able to agree on these proposals or not).

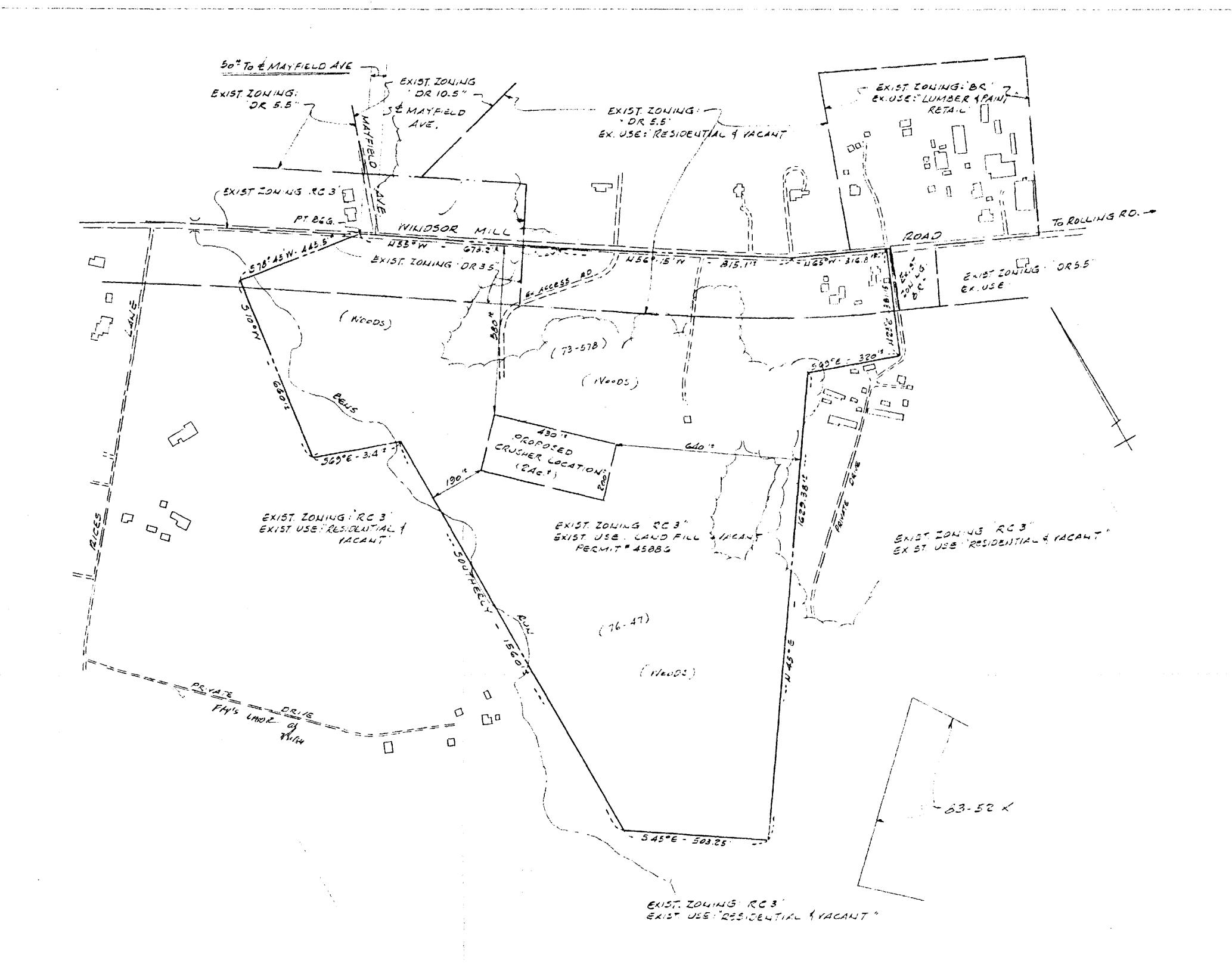
with one additional proviso, as discussed below.

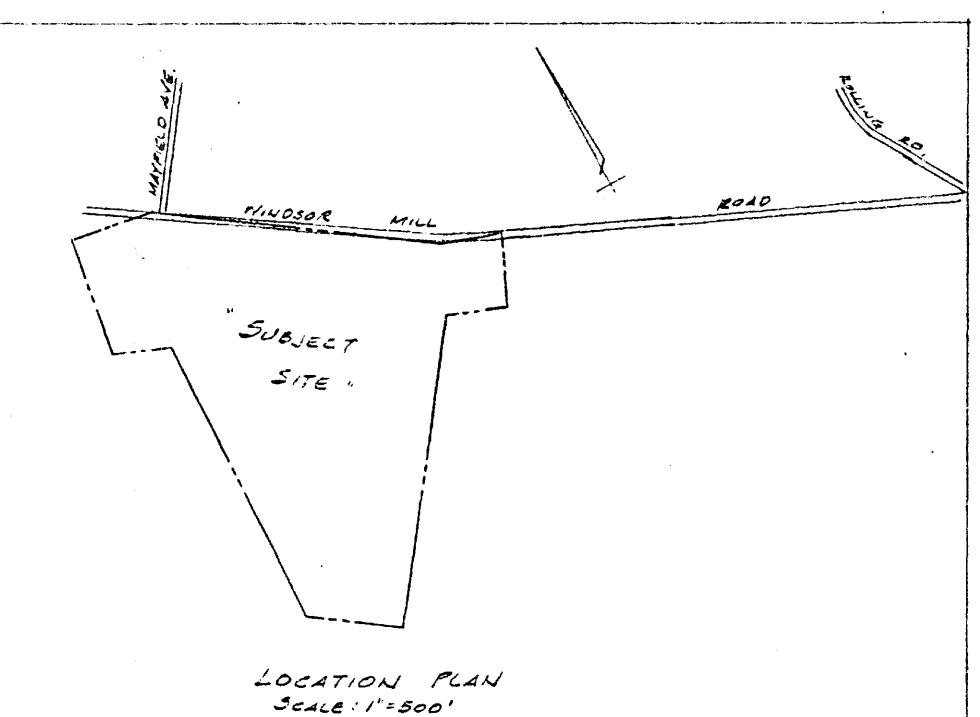
4. As soon as possible, you and I will submit briefs or otherwise address the Board of Appeals on the propriety of Mr. Jablon's apparent finding concerning the non-conforming use issue. If the Board cannot schedule such proceeding prior to the date of the noted appeal, we will mutually request a postponement of the appeal hearing date.



ENGINEERING - BALTIMORE COUNTY, MD.







GENERAL NOTES

- 1. EXISTING AREA OF SITE! GS.Z Act (PARCEL 1: ZA.4A., PARCEL E. 36.84ct)
- 2. EXISTING CONING OF SITE " DR. S.S", "DR 3.5" & R.C. 3"
- 3. EXISTING USE OF SITE I "LANDFILL"
- 4 PROPOSED ZONING UP SITE : DZ. S.S", DR3.5" & R.C.3"
- 5. PROPOSED USE OF SITE LANDFILL & ROCK CRUSHING OPERATION ON THE PARCEL
- S PETITIONER REQUESTING A SPECIAL HEARING TO PERMIT
- A GMOUTH TEMPORARY ONE TIME USE OF A FORTABLE ROCK CRUSHER TO BE FLACED ON A RACPARCEL IN EXISTING FILL AREA
- 7. PROPOSED TIME OF OPERATION
- A. MONDAY FRICAY 1 7130 AM TO SAM
- B. CHLY 4025 TRUCKS/DAY TO BE USED FOR HAULING OFERATIONS
 B. PETITIONER IS PRESENTLY USING SITE AS A FILL AREA UNDER
- PERMIT NO. 45886
- 9. SITE HAS BEUSED AS A GARBAGE DUMP BY BALTIMORE COUNTY
 AND A FILL AREA WITH A ROCK CRUSHER ON SITE IN THE
 EARLY 1920'S
- 10. HAULING FROM SITE WILL BE TO THE M.T.A. SUDBROOK PROJECT.
- II. LOCATION AREA FOR PROPOSED LOCK CRUSHER IS IN A AREA WELL SCREENED BY NATURAL GROWTH AND APPROXIMATELY.

 GOO'S OFF WINDSOR MILL RD.



PLAT TO ACCOMPANY PETITION FOR

SPECIAL HEARING

FROFERTY OF

J.H. WEIDEMEYER

+1313

3.5 WINDSOR MILL RD. (7700 BLOCK)

2 PELECT. DIST.

BALTIMORE COUNTY, MD

SCALE : 1" - 200"

APRIL 30, 1984



PAUL LEE ENGINEERING, INC. 304 W. PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204

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